

# HOUSE BILL No. 1557

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-5; IC 3-6; IC 3-7; IC 3-8; IC 3-9-1-12; IC 3-10; IC 3-11; IC 3-11.5; IC 3-11.7; IC 3-12; IC 3-13; IC 3-14-2-29; IC 9-24-2.5; IC 20-23-8; IC 36-2-9-9.

**Synopsis:** Various election law matters. (1) Provides that an identification document issued by the Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that has an indefinite expiration date, an identification issued by an approved institution of higher learning, or a Medicare card is an acceptable proof of identification to vote. (2) Provides that an individual confined to a long term care facility may not be challenged solely on the basis that the address on the individual's application for an absentee ballot differs from the address shown on the individual's voter registration record. (3) Restates county reimbursement procedures for attending the annual election administrators' conference. (4) Provides that certain individuals under the supervision of the criminal justice system may not be employed by a county board of voter registration. (5) Provides that a person who is subject to lawful detention but has not been convicted of a crime is eligible to register and vote until the person has been convicted of a crime and imprisoned following conviction. (6) Specifies the content of statewide voter registration system reports. (7) Specifies certain procedures in connection with voter list maintenance, and updates procedures for address changes of voter registration records in the statewide voter registration system. (8) Permits a county voter registration office to return to a candidate for President of the United States, United States Senator, or governor, after the petition is certified, an original petition that accompanies a declaration of candidacy. (9) Requires that a state

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**Effective:** July 1, 2009.

## Battles

January 16, 2009, read first time and referred to Committee on Elections and Apportionment.



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chairman of a political party (in addition to a county chairman) certify that a candidate is a member of the political party with which a candidate claims affiliation. (10) Changes several dates concerning the certification of ballot questions and devices to conform to the date in current law for the certification of candidates. (11) Permits the dissolution of a committee without the waiver of outstanding civil penalties previously imposed on the committee, and specifies that the chairman or treasurer of the committee remains liable for any committee debts. (12) Requires that county voter registration records be updated not later than 60 days after election day or after completion of a recount or contest. (13) Allows an overseas voter to transmit an absentee ballot application by electronic mail. (14) Provides that poll clerks and assistant poll clerks may ask a voter to show proof of identification. (15) Provides that a voter who executes an affidavit at the polls and is indigent or has a religious objection to being photographed is not required to present proof of identification. (16) Permits a voter who is qualified to vote in person to vote by absentee ballot. Removes all other qualifications for a voter to vote by absentee ballot except for a voter with disabilities who is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope. (Such a disabled voter is currently required to vote before an absentee voter board.) (17) Provides that a voter in line behind voters in the chute at the time the polls close is entitled to vote unless the voter is otherwise not qualified to vote. (18) Provides that when a voter votes as an absentee voter, the voter's signature on the absentee ballot affidavit shall be compared with the signature on the voter's voter registration record. (19) Permits all absentee ballot envelopes and related voter applications that will be sent to the same precinct to be enclosed in the same carrier envelope. (20) Provides that the voting system technical oversight program account is nonreverting. (21) Provides that voters who reside within the area of a municipality located in a vote center pilot county may vote using vote center pilot county procedures. (22) Provides for the counting of an absentee ballot received by the county election board before the close of the polls on election day if the ballot is not otherwise successfully challenged. (23) Requires the secretary of state to publish an analysis of provisional voting in Indiana for each year in which a general or a municipal election is held. (24) Requires the counting of a ballot that has been marked and cast by a voter in compliance with election law, but otherwise may not be counted solely as the result of the act or failure to act of an election officer unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is presented. (25) Makes the beginning date of absentee voting in the clerk's office or a satellite office one day later than under current law. (26) Requires a rejected absentee ballot to be treated as a provisional ballot. Requires the county election board to send a notice to a voter whose absentee ballot has been rejected providing certain information. Requires the county election board to meet before noon ten days after an election to provide a provisional voter an opportunity to make a presentation in support of the validity of the voter's provisional ballot and to determine which provisional ballots shall be counted. Makes certain procedural changes in processing provisional ballots. (27) Requires the judges, in the presence of the inspector, to take all reasonable actions to register a voter's vote when the voter voting on a direct record electronic voting machine has left the voting booth without recording the voter's votes.

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(28) Permits a county election board to inspect the register or other recording device on an electronic voting system without obtaining the authority of the state recount commission. (29) Provides that individual votes cast by a voter for the candidates for an office of the same political party for which the voter cast a straight party ticket may not be counted unless the straight party ticket vote is not counted. (30) Amends provisions concerning candidate ballot vacancy procedures. (31) Establishes a procedure for candidate withdrawals, challenges, and write-ins for certain elected members of a county board of tax and capital projects review. (32) Revises precinct boundary change procedures. (33) Provides that the third member of a recount commission is not required to be a mechanic familiar with voting systems. Requires the court appointing a recount commission to appoint a mechanic to serve as a nonvoting advisor to the recount commission. (34) Provides for the initiation of the change of a school corporation's organization plan if 10% of the active voters in the school corporation sign a petition for the change. (Under current law, 20% of the voters in a school corporation must support a petition for a change in the school corporation's organization plan.) (35) Repeals the following statutes: a statute providing that an absentee ballot may not be counted if the ballot does not contain initials of certain election officials; a statute relating to opening absentee ballot envelopes; a statute that requires a provisional ballot to be rejected if it does not contain certain initials; a statute imposing criminal penalties for the inspection of a voting system without the permission of the recount commission; and obsolete references concerning voting instructions, paper ballots, and special polling places.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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## HOUSE BILL No. 1557

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A BILL FOR AN ACT to amend the Indiana Code concerning elections.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 3-5-2-40.5, AS ADDED BY P.L.109-2005,
- 2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 3 JULY 1, 2009]: Sec. 40.5. **(a) Except as provided in subsections (b)**
- 4 **and (c),** "proof of identification" refers to a document that satisfies all
- 5 the following:
- 6 (1) The document shows the name of the individual to whom the
- 7 document was issued, and the name conforms to the name in the
- 8 individual's voter registration record.
- 9 (2) The document shows a photograph of the individual to whom
- 10 the document was issued.
- 11 (3) The document includes an expiration date, and the document:
- 12 (A) is not expired; or
- 13 (B) expired after the date of the most recent general election.
- 14 (4) The document was issued by **any of the following:**
- 15 (A) The United States. or



(B) The state of Indiana.

(C) An approved postsecondary educational institution (as defined in IC 21-7-13-6(a)).

(b) Notwithstanding subsection (a)(3), a document issued by the United States Department of Defense, a branch of the uniformed services, the Merchant Marine, or the Indiana National Guard that:

(1) otherwise complies with subsection (a); and

(2) has no expiration date or states that the document has an indefinite expiration date;

is sufficient proof of identification for purposes of this title.

(c) Notwithstanding subsection (a), a document issued to an individual to identify the individual as a participant in the Medicare program established under Title XVIII of the federal Social Security Act (42 U.S.C. 1395 et seq.) is sufficient proof of identification for purposes of this title.

SECTION 2. IC 3-5-2-40.6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 40.6. "Provisional ballot" refers to a ballot cast in accordance with the provisions of IC 3-11.7. **The term includes an absentee ballot required to be treated as a provisional ballot under this title.**

SECTION 3. IC 3-5-4-1.9, AS ADDED BY P.L.164-2006, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.9. **(a) This section does not apply to a delinquent campaign finance filing received under IC 3-9.**

**(b) This section does not apply to an application for voter registration received while registration is closed under IC 3-7.**

(c) Except as otherwise provided in this title, the election division, an election board, a circuit court clerk, a county voter registration office, or any other official responsible for receiving a filing under this title may not receive a filing that is offered to be filed after a deadline for the filing provided by this title.

SECTION 4. IC 3-5-4-7, AS AMENDED BY P.L.230-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. Except as otherwise provided in this title, a reference to a federal statute or regulation in this title is a reference to the statute or regulation as in effect January 1, ~~2005~~ **2009**.

SECTION 5. IC 3-5-4.5-2.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.5. **(a) This section applies to an absentee ballot cast by an individual confined in a long term care facility.**

**(b) A person may not challenge the right of an individual to vote**

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1 **at an election by absentee ballot solely on the basis that the address**  
 2 **on the individual's application for an absentee ballot differs from**  
 3 **the address shown on the individual's voter registration record.**

4 SECTION 6. IC 3-6-3-6 IS AMENDED TO READ AS FOLLOWS  
 5 [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) After the state chairman of a  
 6 political party files a statement with the election division certifying that  
 7 the party's name has been changed in accordance with all applicable  
 8 party rules, a political party shall be known by the political party's new  
 9 name, and the party has all the rights it had under its former name.

10 (b) If the state chairman of a political party files a statement under  
 11 subsection (a) after the printing of ballots for use at an election  
 12 conducted under this title has begun, ~~the election division or the~~  
 13 ~~election board~~ responsible for printing the ballots is not required to  
 14 alter the ballots to state the new name of the political party.

15 SECTION 7. IC 3-6-4.2-14 IS AMENDED TO READ AS  
 16 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) Each year in  
 17 which a general or municipal election is held, the election division  
 18 shall call a meeting of all the members of the county election boards  
 19 and the boards of registration to instruct them as to their duties under  
 20 this title and federal law (including HAVA and NVRA). The election  
 21 division may, but is not required to, call a meeting under this section  
 22 during a year in which a general or a municipal election is not held.

23 (b) Each circuit court clerk shall attend a meeting called by the  
 24 election division under this section.

25 (c) The codirectors of the election division shall set the time and  
 26 place of the instructional meeting. In years in which a primary election  
 27 is held, the election division:

- 28 (1) may conduct the meeting before the first day of the year; and
- 29 (2) shall conduct the meeting before primary election day.

30 The instructional meeting may not last for more than two (2) days.

31 (d) Each member of a county election board or board of registration  
 32 and an individual who has been elected or selected to serve as circuit  
 33 court clerk but has not yet begun serving in that office is entitled to  
 34 receive all of the following **from the county general fund without**  
 35 **appropriation:**

- 36 (1) A per diem of twenty-four dollars (\$24) for attending the
- 37 instructional meeting called by the election division under this
- 38 section.
- 39 (2) A mileage allowance at the state rate for the distance
- 40 necessarily traveled in going and returning from the place of the
- 41 instructional meeting called by the election division under this
- 42 section.

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(3) Reimbursement for the payment of the instructional meeting registration fee. ~~from the county general fund without appropriation.~~

(4) An allowance for lodging for each night preceding conference attendance equal to the lodging allowance provided to state employees in travel status.

SECTION 8. IC 3-6-6-39, AS AMENDED BY P.L.230-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 39. (a) The county election board by unanimous vote of the entire membership of the board may permit an individual who is not a voter to serve as any precinct election officer (other than inspector), or to assist a precinct election officer, if the individual satisfies all the following:

(1) The individual is at least sixteen (16) years of age but not ~~more than seventeen (17)~~ **eighteen (18)** years of age **or older**.

(2) The individual is a citizen of the United States.

(3) The individual is a resident of the county.

(4) The individual has a cumulative grade point average equivalent to not less than 3.0 on a 4.0 scale.

(5) The individual has the written approval of the principal of the school the individual attends at the time of the appointment or, if the student is educated in the home, the approval of the individual responsible for the education of the student.

(6) The individual has the approval of the individual's parent or legal guardian.

(7) The individual has satisfactorily completed any training required by the county election board.

(8) The individual otherwise is eligible to serve as a precinct election officer under this chapter.

(b) An individual appointed to a precinct election office or assistant under this section:

(1) must serve in a nonpartisan manner in accordance with the standards developed by the Help America Vote Foundation under 36 U.S.C. 152602; and

(2) while serving as a precinct election officer or assistant:

(A) is not required to obtain an employment certificate under IC 20-33-3; and

(B) is not subject to the limitations on time and duration of employment under IC 20-33-3.

SECTION 9. IC 3-7-12-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. **(a) Subject to subsection (c)**, a board of registration may employ all necessary

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1 assistants.

2 (b) The number of employees shall be divided equally between the  
3 major political parties of the county.

4 (c) A person who is:

5 (1) on probation;

6 (2) on parole;

7 (3) subject to home detention under IC 35-38-2.5;

8 (4) placed in a community corrections program under  
9 IC 35-38-2.6;

10 (5) in a community transition program under IC 11-10-11.5;

11 (6) participating in a postconviction forensic diversion  
12 program under IC 11-12-3.7;

13 (7) being supervised by a reentry court;

14 (8) serving a sentence in a minimum security assignment  
15 under IC 35-38-3-6; or

16 (9) serving an intermittent sentence;

17 may not be an employee of, or otherwise perform work for, a  
18 board of registration.

19 SECTION 10. IC 3-7-13-4 IS AMENDED TO READ AS  
20 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A person who is:

21 (1) convicted of a crime; and

22 (2) imprisoned following conviction;

23 is deprived of the right of suffrage by the general assembly pursuant to  
24 Article 2, Section 8 of the Constitution of the State of Indiana.

25 (b) A person described in subsection (a) is ineligible to register  
26 under this article during the period that the person is:

27 (1) imprisoned; or

28 (2) otherwise subject to lawful detention.

29 (c) A person who is subject to lawful detention but has not been  
30 convicted of a crime is eligible to:

31 (1) register under this article; and

32 (2) vote;

33 until the person has been convicted of a crime and imprisoned  
34 following conviction.

35 SECTION 11. IC 3-7-26.4-4, AS ADDED BY P.L.81-2005,  
36 SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
37 JULY 1, 2009]: Sec. 4. (a) The election division may provide parts and  
38 reports from the voter registration information from the computerized  
39 list for the purposes specified under IC 3-7-26.3-29. ~~However,~~

40 (b) Except as otherwise provided in this section, the parts and  
41 reports provided under this section may not include information  
42 described under section 8(c) of this chapter.

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(c) The parts and reports may contain the information described in section 8(c) of this chapter if:

(1) the part or report is to be provided to an entity that:

(A) is described in section 6 of this chapter; and

(B) has previously submitted an application to the election division and paid any required fee to obtain the complete compilation; or

(2) the part or report is a purely statistical compilation that:

(A) includes the information described in section 8(c) of this chapter; and

(B) does not include any information:

(i) concerning an individual voter; or

(ii) that would permit the identification of an individual voter as a result of providing the compilation.

(d) The parts and reports provided under this section may not include the complete Social Security number of any individual.

SECTION 12. IC 3-7-28-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. ~~Not later than thirty (30) days after receipt of the reports of deceased individuals required under this article;~~ (a) Each circuit court clerk or board of county voter registration office shall send a list of the deceased persons whose registrations have been canceled to the following upon request:

(1) The county chairman of each major political party of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee, if the candidate is on the ballot for the next election to be conducted in the county.

(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within the period specified in the request.

SECTION 13. IC 3-7-28-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. ~~Not later than thirty (30) days after preparation of a list of disfranchised voters under this article; the circuit court clerk or board of~~ (a) Each county voter registration office shall send a notice list of disfranchised voters whose registrations have been canceled to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

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(A) A bona fide political party of the county.

(B) An independent candidate's committee, if the candidate is on the ballot for the next general election to be conducted in the county.

**(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within the period specified in the request.**

SECTION 14. IC 3-7-28-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. ~~The circuit court clerk or board of~~ (a) **Each county voter registration office** shall provide a list of the names and addresses of all voters whose registrations have been canceled under this article ~~not later than sixty (60) days before election day~~ to the following upon request:

(1) The county chairmen of the major political parties of the county.

(2) The chairman of the following:

(A) A bona fide political party of the county.

(B) An independent candidate's committee participating in a primary, general, or municipal election.

~~After that date, upon request the clerk or board shall report cancellations daily and within forty-eight (48) hours after the day on which the cancellations were made, until election day.~~

**(b) A request filed under this section may state that the list is to include only cancellations made by the county voter registration office within the period specified in the request.**

SECTION 15. IC 3-7-33-4.5, AS AMENDED BY P.L.164-2006, SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4.5. (a) Except as provided in subsection (b), this section applies to an individual who:

(1) submits an application to register to vote by mail under IC 3-7-22; and

(2) has not previously voted in:

(A) a general election in Indiana (or a special election for federal office in Indiana); or

(B) a general election (or a special election for federal office) in the county where the individual has submitted an application under this chapter if a statewide voter registration system is not operational in accordance with the requirements of IC 3-7-26.3 and 42 U.S.C. 15483 on the date the application is was received by the county voter registration office **after December 31, 2002, and before January 1, 2006.**

(b) This section does not apply to an individual who complies with

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the requirements in any of the following:

(1) The individual submits an application to register to vote by mail under this chapter and includes with that mailing a copy of:

(A) a current and valid photo identification; or

(B) a current utility bill, bank statement, government check, paycheck, or government document;

that shows the name and residence address of the voter stated on the voter registration application.

(2) The individual submits an application to register to vote by mail under this chapter that includes:

(A) the individual's Indiana driver's license number; or

(B) the last four (4) digits of the individual's Social Security number;

and the county voter registration office or election division matches the information submitted by the applicant with an existing Indiana identification record bearing the same number, name, and date of birth set forth in the voter registration application.

(3) The individual is an absent uniformed services voter or overseas voter.

(4) The individual is entitled to vote other than in person under the federal Voting Accessibility for the Elderly and Handicapped Act (42 U.S.C. 1973ee-1(b)(2)(B)(ii)) due to a determination by the election division that a permanent or temporarily accessible polling place cannot be provided for the individual.

(5) The individual is entitled to vote other than in person under any other federal law.

(c) When a county voter registration office receives a voter registration application by mail, the office shall determine whether the applicant is subject to the requirements to provide additional documentation under this section and 42 U.S.C. 15483.

(d) As required by 42 U.S.C. 15483, a county voter registration office shall administer the requirements of this section in a uniform and nondiscriminatory manner.

(e) If the county voter registration office determines that the applicant:

(1) is not required to submit additional documentation under this section; or

(2) has provided the documentation required under this section; the county voter registration office shall process the application in accordance with section 5 of this chapter.

(f) If the county voter registration office determines that the

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applicant is required to submit additional documentation under this section and 42 U.S.C. 15483, the office shall process the application under section 5 of this chapter and, if the applicant is otherwise eligible to vote, add the information concerning this documentation to the voter's computerized registration entry under IC 3-7-27-20.2.

(g) The county voter registration office shall remove the notation described in subsection (f) after the voter votes in an election for a federal office.

SECTION 16. IC 3-7-34-7, AS AMENDED BY P.L.81-2005, SECTION 25, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The county voter registration office shall certify to the NVRA official on an expedited basis a list of the registration forms that have been processed under section 6 of this chapter but do not contain information required to be supplied by the bureau of motor vehicles commission or a voter registration agency.

(b) The NVRA official shall notify the commission or agency that the commission or agency is required to supply the omitted information on an expedited basis to the county voter registration office. ~~following receipt of notice from the NVRA official.~~

SECTION 17. IC 3-7-36-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. (a) ~~The circuit court clerk or board of county voter~~ registration office shall process an absentee registration affidavit or form received from a voter described in section 1 of this chapter during the registration period or during the period beginning on the twenty-ninth day before the election and ending on the date that the clerk or board prepares the certified list under IC 3-7-29-1.

**(b) A properly completed voter registration application described in this section is subject to the same requirements that are applicable to a properly completed voter registration application from a voter described in section 1 of this chapter during the period ending on the twenty-ninth day before the election.**

SECTION 18. IC 3-7-40-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. The local public officials (or plan commission under IC 36-7-4-405) responsible for:

- (1) naming or renaming streets;
- (2) numbering or renumbering lots or structures; and
- (3) converting rural route addresses to numbered addresses;

shall report the changes to the ~~circuit court clerk or board of county~~ voter registration office not later than the last day of the month following the month in which the change was made.

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SECTION 19. IC 3-7-40-6, AS AMENDED BY P.L.164-2006, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. When notified by the NVRA official of a conversion from rural route addresses to numbered addresses under this chapter, the county voter registration office shall, as soon as practicable, amend

(1) the original affidavit filed by the voter to indicate the numbered address that replaces the rural route address on the affidavit; and

(2) the entry for the voter in the computerized list under IC 3-7-26.3.

SECTION 20. IC 3-8-2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) The declaration of each candidate required by this chapter must be signed before a person authorized to administer oaths and contain the following information:

(1) The candidate's name, printed or typewritten as:

(A) the candidate wants the candidate's name to appear on the ballot; and

(B) the candidate's name is permitted to appear on the ballot under IC 3-5-7.

(2) A statement that the candidate is a registered voter and the location of the candidate's precinct and township (or ward and city or town), county, and state.

(3) The candidate's complete residence address, and if the candidate's mailing address is different from the residence address, the mailing address.

(4) A statement of the candidate's party affiliation. For purposes of this subdivision, a candidate is considered to be affiliated with a political party only if any of the following applies:

(A) The most recent primary election in which the candidate voted was a primary election held by the party with which the candidate claims affiliation.

(B) The candidate has never voted in a primary election and claims a party affiliation.

(C) **The candidate obtains certification that the candidate is a member of the political party from the county chairman of (i) the political party with which the candidate claims affiliation and (ii) for the county in which the candidate resides. certifies that the candidate is a member of the political party. If the candidate is a candidate for a legislative office or a state office, the candidate must also obtain certification from the state chairman of the political party**

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**with which the candidate claims affiliation.**

The declaration of candidacy must inform candidates how party affiliation is determined under this subdivision and permit the candidate to indicate on the declaration of candidacy which of clauses (A), (B), or (C) applies to the candidate. If a candidate claims party affiliation under clause (C), the candidate must attach to the candidate's declaration of candidacy the written ~~certification~~ **certifications** of the **state chairman and the** county chairman required by clause (C).

(5) A statement that the candidate complies with all requirements under the laws of Indiana to be a candidate for the above named office, including any applicable residency requirements, and that the candidate is not ineligible to be a candidate due to a criminal conviction that would prohibit the candidate from serving in the office.

(6) A request that the candidate's name be placed on the official primary ballot of that party to be voted on, the office for which the candidate is declaring, and the date of the primary election.

(7) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(8) A statement as to whether the candidate has been a candidate for state or local office in a previous primary or general election and whether the candidate has filed all reports required by IC 3-9-5-10 for all previous candidacies.

(9) If the candidate is subject to IC 3-9-1-5, a statement that the candidate has filed a campaign finance statement of organization for the candidate's principal committee or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date to file the declaration of candidacy under section 11 of this chapter.

(10) The candidate's signature.

(b) The commission shall provide that the form of a declaration of candidacy includes the following information near the separate signature required by subsection (a)(7):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under

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1 IC 3-9.

2 (c) A declaration of candidacy must include a statement that the  
3 candidate requests the name on the candidate's voter registration record  
4 be the same as the name the candidate uses on the declaration of  
5 candidacy. If there is a difference between the name on the candidate's  
6 declaration of candidacy and the name on the candidate's voter  
7 registration record, the officer with whom the declaration of candidacy  
8 is filed shall forward the information to the voter registration officer of  
9 the appropriate county as required by IC 3-5-7-6(e). The voter  
10 registration officer of the appropriate county shall change the name on  
11 the candidate's voter registration record to be the same as the name on  
12 the candidate's declaration of candidacy.

13 SECTION 21. IC 3-8-2-10 IS AMENDED TO READ AS  
14 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. **(a)** A petition  
15 required by section 8 of this chapter must be submitted to the ~~circuit~~  
16 ~~court clerk or board of~~ **county voter** registration **office** during the  
17 period beginning January 1 of the year in which the primary election  
18 will be held and ending at noon seventy-seven (77) days before the  
19 primary election.

20 **(b) After the certification of a petition under this section, the**  
21 **county voter registration office may, upon the request of the**  
22 **candidate named in the petition, return the original petition to the**  
23 **candidate for filing with the secretary of state under section 5 of**  
24 **this chapter.**

25 SECTION 22. IC 3-8-3-4 IS AMENDED TO READ AS FOLLOWS  
26 [EFFECTIVE JULY 1, 2009]: Sec. 4. **(a)** A petition required by section  
27 2 of this chapter must be submitted to the county voter registration  
28 office during the period beginning January 1 of the year in which the  
29 primary election will be held and ending at noon ten (10) days before  
30 the final date for filing a declaration of candidacy under IC 3-8-2-4 for  
31 the primary election.

32 **(b) After the certification of a petition under this section, the**  
33 **county voter registration office may, upon the request of the**  
34 **candidate named in the petition, return the original petition to the**  
35 **candidate for filing under section 5 of this chapter.**

36 SECTION 23. IC 3-8-5-14 IS AMENDED TO READ AS  
37 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. ~~(a)~~ A certificate of  
38 nomination **executed under section 13 of this chapter** must be signed  
39 before a person authorized to administer oaths and certify the following  
40 information:

41 (1) The name of the party, the town where the convention was  
42 held, the date of the convention, and the date of the town election.

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~~(2) The name, residence, and office of each candidate that was nominated at the convention.~~

~~(3) That each candidate for town council resides in the ward for which the person is a candidate.~~

~~(4) That each candidate is a registered voter of the town and legally qualified to hold the office for which the person is a candidate.~~

~~(5)~~ (2) The title of the party that the candidates represent and the device by which the candidates may be designated on the ballots (a symbol to designate the party).

~~(6)~~ (3) The signature and residence address of the presiding officer and secretary of the convention.

~~(b) The certificate of nomination must be filed with the circuit court clerk of the county where the convention was held.~~

SECTION 24. IC 3-8-6-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) A petition of nomination for an office filed under section 10 of this chapter must be filed with and, except as provided in subsection (d), certified by the person with whom a declaration of candidacy must be filed under IC 3-8-2.

(b) The petition of nomination must be accompanied by the following:

(1) The candidate's written consent to become a candidate.

(2) A statement that the candidate:

(A) is aware of the provisions of IC 3-9 regarding campaign finance and the reporting of campaign contributions and expenditures; and

(B) agrees to comply with the provisions of IC 3-9.

The candidate must separately sign the statement required by this subdivision.

(3) If the candidate is subject to IC 3-9-1-5, a statement by the candidate that the candidate has filed a campaign finance statement of organization under IC 3-9-1-5 or is aware that the candidate may be required to file a campaign finance statement of organization not later than noon seven (7) days after the final date for filing a petition for nomination under section 10 of this chapter.

(4) If the candidate is subject to IC 3-9-1-5.5, a statement by the candidate that the candidate is aware of the requirement to file a campaign finance statement of organization under IC 3-9 after the first of either of the following occurs:

(A) The candidate receives more than five hundred dollars

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- 1 (\$500) in contributions.  
 2 (B) The candidate makes more than five hundred dollars  
 3 (\$500) in expenditures.  
 4 (5) A statement indicating whether or not each candidate:  
 5 (A) has been a candidate for state or local office in a previous  
 6 primary or general election; and  
 7 (B) has filed all reports required by IC 3-9-5-10 for all  
 8 previous candidacies.  
 9 (6) A statement that each candidate is legally qualified to hold the  
 10 office that the candidate seeks, including any applicable residency  
 11 requirements and restrictions on service due to a criminal  
 12 conviction.  
 13 (7) If the petition is filed with the secretary of state for an office  
 14 not elected by the electorate of the whole state, a statement signed  
 15 by the circuit court clerk of each county in the election district of  
 16 the office sought by the individual.  
 17 (8) Any statement of economic interests required under  
 18 IC 3-8-1-33.  
 19 (c) The statement required under subsection (b)(7) must:  
 20 (1) be certified by each circuit court clerk; and  
 21 (2) indicate the number of votes cast for secretary of state:  
 22 (A) at the last election for secretary of state; and  
 23 (B) in the part of the county included in the election district of  
 24 the office sought by the individual filing the petition.  
 25 (d) The person with whom the petition of nomination must be filed  
 26 under subsection (a) shall:  
 27 (1) determine whether a sufficient number of signatures as  
 28 required by section 3 of this chapter have been obtained; and  
 29 (2) do one (1) of the following:  
 30 (A) If the petition includes a sufficient number of signatures,  
 31 certify the petition.  
 32 (B) If the petition has an insufficient number of signatures,  
 33 deny the certification.  
 34 (e) The secretary of state shall, by noon ~~August 20~~ **on the date**  
 35 **specified under IC 3-8-7-16 for the certification of candidates and**  
 36 **public questions by the election division:**  
 37 (1) certify; or  
 38 (2) deny certification under subsection (d) to;  
 39 each petition of nomination filed in the secretary of state's office to the  
 40 appropriate county.  
 41 (f) The commission shall provide that the form of a petition of  
 42 nomination includes the following information near the separate

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signature required by subsection (b)(2):

(1) The dates for filing campaign finance reports under IC 3-9.

(2) The penalties for late filing of campaign finance reports under IC 3-9.

(g) A candidate's consent to become a candidate must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the consent to become a candidate. If there is a difference between the name on the candidate's consent to become a candidate and the name on the candidate's voter registration record, the officer with whom the consent to become a candidate is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's consent to become a candidate.

(h) If the person with whom the petition was filed denies certification under subsection (d), the person shall notify the candidate immediately by certified mail.

(i) A candidate may contest the denial of certification under subsection (d) based on:

(1) the circuit court clerk's or board of registration's failure to certify, under section 8 of this chapter, qualified petitioners; or

(2) the determination described in subsection (d)(1);

using the procedure in IC 3-8-1-2 and section 14 of this chapter that applies to questions concerning the validity of a petition of nomination.

SECTION 25. IC 3-8-7-11, AS AMENDED BY P.L.230-2005, SECTION 31, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) Except as provided in subsection (f), if a political party has filed a statement with the election division (or any of its predecessors) that the device selected by the political party be used to designate the candidates of the political party on the ballot for all elections throughout the state, the device must be used until:

(1) the device is changed in accordance with party rules; and

(2) a statement concerning the use of the new device is filed with the election division.

(b) Except as provided in subsection (c), the device may be any appropriate symbol.

(c) A political party or an independent candidate may not use **any of the following** as a device:

(1) A symbol that has previously been filed by a political party or candidate with the election division (or any of its predecessors).

(2) The coat of arms or seal of the state or of the United States.

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(3) The national or state flag. or

(4) Any other emblem common to the people.

(d) Not later than noon ~~August 20, before each general or municipal election,~~ **on the date specified under section 16 of this chapter for the certification of candidates and public questions by the election division,** the election division shall provide each county election board with a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed so that ballots may be prepared using the best possible reproduction of the device.

(e) This subsection applies to a candidate or political party whose device is not filed with the election division under subsection (a) and is to be printed only on ballots to identify candidates for election to a local office. Not later than noon ~~August 20,~~ **on the date specified under section 16 of this chapter for the certification of candidates and public questions by the election division,** the chairman of the political party or the petitioner of nomination shall file a camera-ready copy of the device under which the candidates of the political party or the petitioner are to be listed with the county election board of each county in which the name of the candidate or party will be placed on the ballot. The county election board shall provide the camera-ready copy of the device to the town election board of a town located wholly or partially within the county upon request by the town election board.

(f) If a copy of the device is not filed in accordance with subsection (a) or (e), or unless a device is designated in accordance with section 26 or 27 of this chapter, the county election board or town election board is not required to use any device to designate the list of candidates.

**(g) If a device is filed with the election division or an election board after the commencement of printing of ballots for use at an election conducted under this title, the election board responsible for printing the ballots is not required to alter the ballots to include the device filed under this subsection.**

SECTION 26. IC 3-8-7-25.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 25.5. (a) This section does not apply to the change of a candidate's name that occurs after absentee ballots have been printed bearing the candidate's name.

(b) A candidate who:

(1) is:

(A) nominated for election; or

(B) a candidate for nomination; and

(2) changed the candidate's legal name after:

(A) the candidate has been nominated; or

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(B) the candidate has become a candidate for nomination; shall file a statement setting forth the former and current legal name of the candidate with the office where a declaration of candidacy or certificate of nomination for the office is required to be filed. If the final date and hour has not passed for filing a declaration of candidacy, consent for nomination, or declaration of intent to be a write-in candidate, the candidate must file the request for a change of name on the form prescribed by the commission for the declaration or consent.

(c) The statement filed under subsection (b) must also indicate the following:

(1) That the candidate has previously filed a change of name request with a county voter registration office so that the name set forth in the statement is identical to the candidate's name on the county voter registration record.

(2) How the candidate's legal name was changed.

(d) Upon the filing of the statement, ~~the election division~~ and each county election board shall print the candidate's legal name on the ballot as set forth in the statement.

SECTION 27. IC 3-9-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) A committee may disband at any time in the manner prescribed by this section.

(b) The commission or a county election board may administratively disband a committee in the manner prescribed by this section.

(c) The commission has exclusive jurisdiction to disband any of the following:

(1) A candidate's committee for state office.

(2) A candidate's committee for legislative office.

(3) A legislative caucus committee.

(4) A political action committee that has filed a statement or report with the election division.

(5) A regular party committee that has filed a statement or report with the election division.

(d) A county election board has exclusive jurisdiction to disband any of the following:

(1) A candidate's committee for a local office.

(2) A candidate's committee for a school board office.

(3) A political action committee that has filed a statement or report with the election board, unless the political action committee has also filed a report with the election division.

(4) A regular party committee that has filed a statement or report with the election board, unless the regular party committee has also filed a report with the election division.

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(e) The commission or a county election board may administratively disband a committee in the following manner:

(1) Not later than the last Friday of January of each year, the election division or county election board shall review the list of committees that have filed statements of organization with the division or board under this article.

(2) If the election division or county election board determines both of the following, the election division or county election board may begin a proceeding before the commission or board to administratively disband the committee:

(A) The committee has not filed any report of expenditures during the previous three (3) calendar years.

(B) The committee last reported cash on hand in an amount that does not exceed one thousand dollars (\$1,000), if the committee filed a report under this article.

(3) The election division or county election board shall provide notice of the proceeding by certified mail to the last known address of the chairman and treasurer of the committee.

(4) The commission or board may issue an order administratively dissolving the committee ~~and waiving any outstanding civil penalty previously imposed by the commission or board~~; if the commission or board makes the following findings:

(A) There is no evidence that the committee continues to receive contributions, make expenditures, or otherwise function as a committee.

~~(B) The prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee wasteful or unjust.~~

~~(C)~~ **(B)** According to the best evidence available to the commission or board, the dissolution of the committee will not impair any contract or impede the collection of a debt or judgment by any person.

**(5) If the commission or board:**

**(A) administratively dissolves a committee under subdivision (4); and**

**(B) finds that the prudent use of public resources makes further efforts to collect any outstanding civil penalty imposed against the committee to be wasteful or unjust;**

**the commission or board may also waive the outstanding civil penalty previously imposed by the commission or board against the committee.**

~~(5)~~ **(6)** The election division shall arrange for the publication in

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the Indiana Register of an order administratively disbanding a committee. A county election board shall publish a notice under IC 5-3-1 stating that the board has disbanded a committee under this subsection. The notice must state the date of the order and the name of the committee, but the board is not required to publish the text of the order.

~~(6)~~ (7) An order issued under this subsection takes effect immediately upon its adoption, unless otherwise specified in the order.

(f) If the chairman or treasurer of a committee wishes to disband the committee, the committee must do either of the following:

(1) Give written notification of the dissolution and transfer a surplus of contributions less expenditures to any one (1) or a combination of the following:

(A) One (1) or more regular party committees.

(B) One (1) or more candidate's committees.

(C) The election division.

(D) An organization exempt from federal income taxation under Section 501 of the Internal Revenue Code.

(E) Contributors to the committee, on a pro rata basis.

(2) Use the surplus in any other manner permitted under IC 3-9-3-4.

(g) Except as provided in subsection (e) concerning the waiver of civil penalties, a dissolution or transfer of funds does not relieve the committee or the committee's members from **any**:

**(1) civil liability, including the liability of the committee's chairman or treasurer for the payment of any debts incurred by or on behalf of the committee; or**

**(2) criminal liability.**

SECTION 28. IC 3-10-1-7.2, AS AMENDED BY P.L.164-2006, SECTION 67, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 7.2. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at a primary election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds to vote in a primary election, a ~~member of the precinct election board~~ **officer** shall ask the voter to provide proof of identification. The voter must produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

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(2) a member of the precinct election board determines that the proof of identification presented by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by IC 3-11-8.

(d) If the voter executes a challenged voter's affidavit under section 9 of this chapter or IC 3-11-8-22.1, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

(e) **A voter described by either of the following is not required to provide proof of identification before voting in a primary election:**

(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. ~~is not required to provide proof of identification before voting in a primary election.~~

(2) **A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:**

(A) **The voter is:**

(i) indigent; and

(ii) **unable to obtain proof of identification without the payment of a fee.**

(B) **The voter has a religious objection to being photographed.**

SECTION 29. IC 3-10-1-31.2 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 31.2. (a) This subsection does not apply if a recount or contest is being conducted in a county. The county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after election day.**

**(b) If a recount or contest is being conducted in a county, the county voter registration office shall complete the updating of the registration record under section 31.1 of this chapter not later than sixty (60) days after the completion of the recount or contest and the issuance of an order under IC 3-12-6-22.5, IC 3-12-8-17, or IC 3-12-11-18, or the filing of a certificate under IC 3-12-12-19.**

SECTION 30. IC 3-10-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) Whenever a proposed state constitutional amendment or other public question is submitted by the general assembly under Article 16 of the Constitution

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of the State of Indiana to the electorate of the state for a popular vote, the election division shall certify the public question to the county election board of each county.

(b) If the vote is to occur at a general election, the election division shall certify by noon ~~August 20 before the election.~~ **on the date specified under IC 3-8-7-16 for the election division to certify candidates and other public questions for the general election ballot.** If a special election is to be held, the election division shall certify at least thirty (30) days before the election. Each county election board shall publish notice of the public question in accordance with IC 5-3-1.

SECTION 31. IC 3-11-1.5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) If a proposed precinct establishment order includes a legal description of a precinct with a boundary that follows the boundary of a municipality, state legislative district, or municipal legislative district, the order must include the following:

(1) A description in metes and bounds that identifies the boundary as that of a municipality, state legislative district, or municipal legislative district.

(2) A notation on the map of the precinct indicating that the boundary is that of a municipality, state legislative district, or municipal legislative district.

(b) If a proposed precinct establishment order described by section 9 of this chapter includes a legal description of a boundary that follows a visible feature, the order must include a description in metes and bounds **or a shape file** that identifies the visible feature that forms the boundary.

SECTION 32. IC 3-11-3-29 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 29. (a) If a new candidate is appointed or selected under IC 3-13-1 or IC 3-13-2 after the printing of ballots and before the election, the ~~election division or~~ **the election board** may print ballots containing the name of the new candidate.

(b) If the ~~election division or the~~ election board determines that printing ballots under subsection (a) would be uneconomical or impractical, the chairman or committee that made the appointment or selection shall provide to the ~~division or the~~ election board the number of pasters the ~~division or the~~ board determines to be necessary for all ballots to reflect the appointment or selection. Pastors may not be given to or received by any person except the ~~co-directors of the election division (or the~~ election board and the board's chairman.

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(c) If a candidate entitled to be placed on the ballot changes the candidate's legal name after the printing of ballots and before the election, the candidate who has changed the candidate's legal name shall provide to the ~~election division or the~~ election board the number of pasters the ~~division or the~~ board determines to be necessary for all ballots to reflect the change of name. If a candidate declines to do so under this subsection, the ~~division or the~~ board is not required to reprint ballots to reflect the change of legal name.

SECTION 33. IC 3-11-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) A voter who is otherwise qualified to vote in person is entitled to vote by absentee ballot: ~~Except~~

**(1) by mail;**

**(2) before an absentee voter board** as ~~otherwise~~ provided in this article; a ~~voter voting by absentee ballot must vote~~

**(3) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or**

**(4) at a satellite office established under IC 3-11-10-26.3.**

(b) A county election board, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the board determines that the person has been hospitalized or suffered an injury following the final date and hour for applying for an absentee ballot that would prevent the person from voting in person at the polls.

(c) The commission, by unanimous vote of its entire membership, may authorize a person who is otherwise qualified to vote in person to vote by absentee ballot if the commission determines that an emergency prevents the person from voting in person at a polling place.

(d) The absentee ballots used in subsection (b) or (c) must be the same official absentee ballots as described in ~~section~~ **sections** 12 and 13 of this chapter. Taking into consideration the amount of time remaining before the election, the commission shall determine whether the absentee ballots are transmitted to and from the voter by mail or personally delivered. An absentee ballot that is personally delivered shall comply with the requirements in sections 19, 20, and 21 of this chapter.

SECTION 34. IC 3-11-4-2, AS AMENDED BY P.L.103-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A voter who wants to vote by absentee ballot must apply to the county election board for an official absentee ballot. Except as provided in subsection (b), the voter must sign the absentee ballot application.

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(b) If a voter with disabilities is unable to sign the absentee ballot application and the voter has not designated an individual to serve as attorney in fact for the voter, the county election board may designate an individual to sign the application on behalf of the voter. If an individual applies for an absentee ballot as the properly authorized attorney in fact for a voter, the attorney in fact must attach a copy of the power of attorney to the application.

(c) A person may provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The name of the individual.
- (2) The voter registration address of the individual.
- (3) The mailing address of the individual.
- (4) The date of birth of the individual.
- (5) The voter identification number of the individual.

(d) A person may not provide an individual with an application for an absentee ballot with the following information already printed or otherwise set forth on the application when provided to the individual:

- (1) The address to which the absentee ballot would be mailed, if different from the voter registration address of the individual.
- (2) In a primary election, the major political party ballot requested by the individual.
- (3) In a primary or general election, the types of absentee ballots requested by the individual.

~~(4) The reason why the individual is entitled to vote an absentee ballot:~~

~~(A) by mail; or~~

~~(B) before an absentee voter board (other than an absentee voter board located in the office of the circuit court clerk or a satellite office);~~

~~in accordance with IC 3-11-4-18; IC 3-11-10-24; or IC 3-11-10-25.~~

(e) If the county election board determines that an absentee ballot application does not comply with subsection (d), the board shall deny the application under section 17.5 of this chapter.

(f) A person who assists an individual in completing any information described in subsection (d) on an absentee ballot application shall state under the penalties for perjury the following information on the application:

- (1) The full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person providing the assistance.

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(2) The date this assistance was provided.

(3) That the person providing the assistance has complied with Indiana laws governing the submission of absentee ballot applications.

(4) That the person has no knowledge or reason to believe that the individual submitting the application:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(g) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person who receives a completed absentee ballot application from the individual who has applied for the absentee ballot shall file the application with the appropriate county election board not later than:

(1) noon seven (7) days after the person receives the application; or

(2) the deadline set by Indiana law for filing the application with the board;

whichever occurs first.

(h) This subsection does not apply to an employee of the United States Postal Service or a bonded courier company acting in the individual's capacity as an employee of the United States Postal Service or a bonded courier company. A person filing an absentee ballot application, other than the person's own absentee ballot application, must sign an affidavit at the time of filing the application. The affidavit must be in a form prescribed by the commission. The form must include the following:

(1) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the person submitting the application.

(2) A statement that the person filing the affidavit has complied with Indiana laws governing the submission of absentee ballot applications.

(3) A statement that the person has no knowledge or reason to believe that the individual whose application is to be filed:

(A) is ineligible to vote or to cast an absentee ballot; or

(B) did not properly complete and sign the application.

(4) A statement that the person is executing the affidavit under the penalties of perjury.

(5) A statement setting forth the penalties for perjury.

(i) The county election board shall record the date and time of the

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filing of the affidavit.

SECTION 35. IC 3-11-4-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) Applications may be made:

- (1) in person;
- (2) by fax transmission; ~~or~~
- (3) by mail; **or**
- (4) by electronic mail with a scanned image of the application and signature of the applicant, if transmitted by an overseas voter acting under section 6 of this chapter;**

on application forms furnished by the county election board or approved by the commission.

(b) Application forms shall:

~~(1) be furnished to all central committees in the county no later than:~~

~~(A) June 15, for a general election or a special election ordered under IC 3-12-8-17 or IC 3-12-11-18 following the primary election; or~~

~~(B) January 15, for a primary election or a special election ordered under IC 3-12-8-17 or IC 3-12-11-18 following the general election;~~

~~(2) (1) be:~~

~~(A) mailed; or~~

~~(B) transmitted by fax; or~~

**(C) transmitted by electronic mail with a scanned image of the application;**

upon request, to a voter applying by mail, by telephone, by **electronic mail**, or by fax; and

~~(3) (2) be delivered to a voter in person who applies at the circuit court clerk's office.~~

(c) The county election board shall:

(1) accept; and

(2) transmit;

applications for absentee ballots under subsection (a) by fax **or electronic mail, if the county election board has access to a fax machine or electronic mail.** A county election board shall accept an application for an absentee ballot transmitted by fax even though the application is delivered to the county election board by a person other than the person submitting the application.

SECTION 36. IC 3-11-4-18, AS AMENDED BY P.L.164-2006, SECTION 93, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. (a) ~~If a voter satisfies any of the qualifications~~

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described in IC 3-11-10-24 that entitle a voter to cast an absentee ballot by mail; The county election board shall, at the request of the voter, mail the official ballot, postage fully prepaid, to the voter at the address stated in the application.

(b) If the county election board mails an absentee ballot to a voter required to file additional documentation with the county voter registration office before voting by absentee ballot under this chapter, the board shall include a notice to the voter in the envelope mailed to the voter under section 20 of this chapter. The notice must inform the voter that the voter must file the additional documentation required under IC 3-7-33-4.5 with the county voter registration office not later than noon on election day for the absentee ballot to be counted as an absentee ballot, and that, if the documentation required under IC 3-7-33-4.5 is filed after noon and before 6 p.m. on election day, the ballot will be processed as a provisional ballot. The commission shall prescribe the form of this notice under IC 3-5-4-8.

(c) Except as provided in section 18.5 of this chapter, the ballot shall be mailed:

- (1) on the day of the receipt of the voter's application; or
- (2) not more than five (5) days after the date of delivery of the ballots under section 15 of this chapter;

whichever is later.

(d) In addition to the ballot mailed under subsection (c), the county election board shall mail a special absentee ballot for overseas voters.

(e) Except as provided in section 18.5 of this chapter, the ballot described in subsection (d):

- (1) must be mailed:
  - (A) on the day of the receipt of the voter's application; or
  - (B) not more than five (5) days after the latest date for delivery of the ballots under section 13(b) of this chapter applicable to that election;

whichever is later; and

- (2) may not be mailed after the absentee ballots described by section 13(a) of this chapter have been delivered to the circuit court clerk or the clerk's authorized deputy.

(f) As required by 42 U.S.C. 15481, an election board shall establish a voter education program (specific to a paper ballot or optical scan ballot card provided as an absentee ballot under this chapter) to notify a voter of the effect of casting multiple votes for a single office.

(g) As provided by 42 U.S.C. 15481, when an absentee ballot is mailed under this section, the mailing must include:

- (1) information concerning the effect of casting multiple votes for

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an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

SECTION 37. IC 3-11-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. A voter shall vote at the polls for the precinct where the voter resides except when authorized to vote in another precinct under IC 3-10-10, IC 3-10-11, or IC 3-10-12. ~~or at a special voting poll under section 6.5 of this chapter.~~

SECTION 38. IC 3-11-8-3.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.1. (a) A county executive shall designate the polls for each precinct not less than twenty-nine (29) days before election day.

(b) The designation of a polling place under this section remains in effect until:

(1) the location of the polling place is altered by an order of the county executive or county election board under this chapter; or

(2) a precinct establishment order issued under IC 3-11-1.5:

(A) designates a new polling place location; or

(B) combines the existing precinct with another precinct established by the order.

~~(c) The county executive shall then file the report required by section 6.5 of this chapter concerning polls that are inaccessible to voters with disabilities.~~

SECTION 39. IC 3-11-8-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.2. (a) A county executive shall give ten (10) days notice of the place of voting in each precinct by publication in the manner prescribed by IC 5-3-1-4. The notice must include the following information:

~~(1) For each precinct, state whether the polls are located in an accessible facility.~~

~~(2) If special polling places are designated under section 6.5 of this chapter:~~

~~(A) the location of each special polling place; and~~

~~(B) the procedures for elderly voters and voters with disabilities to apply to vote at a special polling place.~~

(b) If it is necessary to change a place for voting after giving notice, notice of the change shall be given in the same manner. However, except as provided in subsection (c), a change may not be made within two (2) days before an election.

(c) If the county election board determines by a unanimous vote of the board's entire membership that the use of a polling place at an election would be dangerous or impossible, the county election board

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may order the relocation of the polling place during the final two (2) days before an election. The county election board shall give the best possible notice of this change to news media and the voters of the precinct. If an order is adopted under this subsection, the order expires after the election.

SECTION 40. IC 3-11-8-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. ~~Except as provided in section 6.5 of this chapter,~~ The county executive shall locate the polls for each precinct in an accessible facility.

SECTION 41. IC 3-11-8-11, AS AMENDED BY P.L.221-2005, SECTION 66, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) When the ~~hour time~~ for closing the polls occurs, the precinct election board shall permit all ~~voters who~~ **the following to vote:**

(1) **Voters who** have passed the challengers and who are waiting to announce their names to the poll clerks for the purpose of signing the poll list.

(2) **Voters who** have signed the poll list but who have not voted.

~~or~~  
(3) **Voters who** are in the act of voting.

~~to vote. In addition,~~

**(4) Voters described in subsection (b).**

**(b) At the close of the polls,** the inspector shall require all voters who have not yet passed the challengers to line up in single file. ~~within the chute.~~ The poll clerks shall record the names of the voters:

(1) in the chute; and ~~these~~

**(2) who are in line behind the voters in the chute when the time for closing the polls occurs.**

**The voters whose names are recorded under this subsection** may vote unless otherwise prevented according to law.

~~(b)~~ **(c)** This subsection applies if a court order (or other order) has been issued to extend the hours that the polls are open under section 8 of this chapter. As provided in 42 U.S.C. 15482, the inspector shall identify the voters who would not otherwise be eligible to vote after the closing of the polls under subsection (a) and shall provide a provisional ballot to the voters in accordance with IC 3-11.7.

SECTION 42. IC 3-11-8-25.1, AS AMENDED BY P.L.164-2006, SECTION 100, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 25.1. (a) Except as provided in subsection (e), a voter who desires to vote an official ballot at an election shall provide proof of identification.

(b) Except as provided in subsection (e), before the voter proceeds

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to vote in the election, a ~~member of the precinct election board~~ officer shall ask the voter to provide proof of identification. The voter shall produce the proof of identification before being permitted to sign the poll list.

(c) If:

(1) the voter is unable or declines to present the proof of identification; or

(2) a member of the precinct election board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

a member of the precinct election board shall challenge the voter as prescribed by this chapter.

(d) If the voter executes a challenged voter's affidavit under section 22.1 of this chapter, the voter may:

(1) sign the poll list; and

(2) receive a provisional ballot.

**(e) A voter described by either of the following is not required to provide proof of identification before voting in an election:**

**(1) A voter who votes in person at a precinct polling place that is located at a state licensed care facility where the voter resides. is not required to provide proof of identification before voting in an election.**

**(2) A voter who executes an affidavit, in the form prescribed by the commission, affirming under the penalties of perjury that the voter satisfies either of the following:**

**(A) The voter is:**

**(i) indigent; and**

**(ii) unable to obtain proof of identification without the payment of a fee.**

**(B) The voter has a religious objection to being photographed.**

(f) After a voter has passed the challengers or has been sworn in, the voter shall be instructed by a member of the precinct election board to proceed to the location where the poll clerks are stationed. The voter shall announce the voter's name to the poll clerks or assistant poll clerks. A poll clerk, an assistant poll clerk, or a member of the precinct election board shall require the voter to write the following on the poll list:

(1) The voter's name.

(2) Except as provided in subsection (k), the voter's current residence address.

(g) The poll clerk, an assistant poll clerk, or a member of the

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precinct election board shall:

(1) ask the voter to provide or update the voter's voter identification number;

(2) tell the voter the number the voter may use as a voter identification number; and

(3) explain to the voter that the voter is not required to provide or update a voter identification number at the polls.

(h) The poll clerk, an assistant poll clerk, or a member of the precinct election board shall ask the voter to provide proof of identification.

(i) In case of doubt concerning a voter's identity, the precinct election board shall compare the voter's signature with the signature on the affidavit of registration or any certified copy of the signature provided under IC 3-7-29. If the board determines that the voter's signature is authentic, the voter may then vote. If either poll clerk doubts the voter's identity following comparison of the signatures, the poll clerk shall challenge the voter in the manner prescribed by section 21 of this chapter.

(j) If, in a precinct governed by subsection (g):

(1) the poll clerk does not execute a challenger's affidavit; or

(2) the voter executes a challenged voter's affidavit under section 22.1 of this chapter or executed the affidavit before signing the poll list;

the voter may then vote.

(k) Each line on a poll list sheet provided to take a voter's current address must include a box under the heading "Address Unchanged" so that a voter whose residence address shown on the poll list is the voter's current residence address may check the box instead of writing the voter's current residence address on the poll list.

SECTION 43. IC 3-11-10-4, AS AMENDED BY P.L.198-2005, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) Upon receipt of an absentee ballot, a county election board (or the absentee voter board in the office of the circuit court clerk) shall immediately examine the signature of the absentee voter to determine its genuineness.

(b) This subsection does not apply to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears upon the envelope containing the absentee ballot with the signature of the voter as it appears upon the ~~application for the absentee ballot~~ **voter's affidavit of registration**. The board may also compare the signature on the ballot envelope with any other admittedly

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genuine signature of the voter.

(c) This subsection applies to an absentee ballot cast by a voter permitted to transmit the voter's absentee ballots by fax or electronic mail under IC 3-11-4-6. The board shall compare the signature as it appears on the affidavit transmitted with the voter's absentee ballot to the voter's signature as it appears on the ~~application for the absentee ballot.~~ **voter's affidavit of registration.** The board may also compare the signature on the affidavit with any other admittedly genuine signature of the voter.

(d) If a member of the absentee voter board questions whether a signature on a ballot envelope or transmitted affidavit is genuine, the matter shall be referred to the county election board for consideration under section 5 of this chapter.

SECTION 44. IC 3-11-10-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. **(a)** If a county election board (or the absentee voter board in the office of the circuit court clerk) unanimously finds that the signature on a ballot envelope or transmitted affidavit is genuine, the board shall enclose immediately the accepted and unopened ballot envelope together with the voter's application for the absentee ballot in a ~~large or~~ carrier envelope. **The board may enclose in the same carrier envelope all absentee ballot envelopes and voter applications to be transmitted to the same precinct.**

**(b)** The envelope shall be securely sealed and endorsed with the ~~name and~~ official title of the circuit court clerk and the following words: "This envelope contains an absentee ballot and must be opened only at the polls on election day while the polls are open."

SECTION 45. IC 3-11-10-12, AS AMENDED BY P.L.164-2006, SECTION 106, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) Each county election board shall have all absentee ballots delivered to the precinct election boards at their respective polls on election day.

**(b)** The absentee ballots shall be delivered during the hours that the polls are open. ~~and in sufficient time to enable~~ The precinct election ~~boards to board shall vote the ballots received~~ during the time the polls are open. **Any ballots received by the precinct election board after the polls are closed shall be returned to the county election board for counting under section 14 of this chapter.**

(c) Along with the absentee ballots delivered to the precinct election boards under subsection (a), each county election board shall provide a list certified by the circuit court clerk. This list must state the name of each voter subject to IC 3-7-33-4.5 who:

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(1) filed the documentation required by IC 3-7-33-4.5 with the county voter registration office after the printing of the certified list under IC 3-7-29 or the poll list under IC 3-11-3; and

(2) as a result, is entitled to have the voter's absentee ballot counted if the ballot otherwise complies with this title.

(d) If the county election board is notified not later than 3 p.m. on election day by the county voter registration office that a voter subject to IC 3-7-33-4.5 and not identified in the list certified under subsection (c) has filed documentation with the office that complies with IC 3-7-33-4.5, the county election board shall transmit a supplemental certified list to the appropriate precinct election board. If the board determines that the supplemental list may not be received before the closing of the polls, the board shall:

(1) attempt to contact the precinct election board to inform the board regarding the content of the supplemental list; and

(2) file a copy of the supplemental list for that precinct as part of the permanent records of the board.

(e) This subsection applies to a special write-in absentee ballot described in:

(1) 42 U.S.C. 1973ff for federal offices; and

(2) IC 3-11-4-12(a) for state offices.

If the county election board receives both a special write-in absentee ballot and the regular absentee ballot described by IC 3-11-4-12 from the same voter, the county election board shall reject the special write-in ballot and deliver only the regular absentee ballot to the precinct election board.

SECTION 46. IC 3-11-10-14, AS AMENDED BY P.L.198-2005, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) Subject to section 11 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after the county election board has started the final delivery of the ballots to the precincts on election day **shall be delivered to the county election board for counting.**

**(b) An absentee ballot delivered to the county election board under subsection (a) shall be counted by the county election board if the ballot is not otherwise successfully challenged under this title.**

**(c) The election returns from the precinct shall be adjusted to reflect the votes on an absentee ballot required to be counted under subsection (b).**

**(d) Except as provided in subsection (e), absentee ballots received by the county election board after the close of the polls on election day are considered as arriving too late and need may not be**

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delivered to the polls: counted.

(e) Absentee ballots received by the precinct election board as described in section 12(b) of this chapter after the close of the polls shall be returned to the county election board and be counted as provided in this section.

SECTION 47. IC 3-11-10-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. At any time between the opening and closing of the polls on election day, the inspector, in the presence of the precinct election board, shall do all of the following:

(1) Open the outer or carrier envelope containing an absentee ballot envelope and application.

(2) Announce the absentee voter's name.

(3) Compare the signature upon the ~~application~~ voter's affidavit of registration with the signature upon the affidavit on the ballot envelope or transmitted affidavit attached to the ballot envelope.

SECTION 48. IC 3-11-10-17, AS AMENDED BY P.L.198-2005, SECTION 11, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) If the inspector finds under section 15 of this chapter that any of the following applies, ~~a the inspector shall direct that the absentee ballot may not be accepted or counted:~~ **processed as a provisional ballot under IC 3-11.7:**

(1) The affidavit is insufficient or the ballot has not been endorsed with the initials of:

(A) the two (2) members of the absentee voter board in the office of the circuit court clerk under IC 3-11-4-19 or section 27 of this chapter;

(B) the two (2) members of the absentee voter board visiting the voter under section 25(b) of the chapter; or

(C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.

(2) A copy of the voter's signature has been furnished to the precinct election board and that the signatures do not correspond or there is no signature.

(3) The absentee voter is not a qualified voter in the precinct.

(4) The absentee voter has voted in person at the election.

(5) The absentee voter has not registered.

(6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots

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transmitted by fax or electronic mail.

(7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper declaration relative to age and qualifications and the political party with which the voter intends to affiliate.

(9) The ballot has been challenged and not supported.

(b) Subsection (c) applies whenever a voter with a disability is unable to make a signature:

(1) on an absentee ballot application that corresponds to the voter's signature in the records of the county voter registration office; or

(2) on an absentee ballot secrecy envelope that corresponds with the voter's signature:

(A) in the records of the county voter registration office; or

(B) on the absentee ballot application.

(c) The voter may request that the voter's signature or mark be attested to by:

(1) the absentee voter board under section 25(b) of this chapter;

(2) a member of the voter's household; or

(3) an individual serving as attorney in fact for the voter.

(d) An attestation under subsection (c) provides an adequate basis for an inspector to determine that a signature or mark complies with subsection (a)(2).

SECTION 49. IC 3-11-10-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. **Each (a) An absentee ballot not accepted or counted processed as a provisional ballot** for any of the reasons prescribed by section 17 of this chapter shall, without being unfolded to disclose how it is marked, be **replaced in the absentee ballot envelope in which the ballot was contained. The absentee ballot envelope shall be securely sealed and** endorsed with the words: **"Rejected "Processed as provisional ballot** (giving the reason or reasons ~~therefor~~ **for the determination**)".

**(b) All rejected absentee ballots processed as provisional ballots** shall be enclosed and securely sealed in an envelope on which the inspector shall write the words: **"Defective "Absentee ballots to be processed as provisional ballots"**. The inspector shall also identify the precinct and the date of the election on the envelope containing the rejected ballots. ~~The defective absentee ballots shall be returned to the same officer and in the same manner as prescribed by this title for the return and preservation of official ballots cast and uncast at the~~

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SECTION 50. IC 3-11-10-24, AS AMENDED BY P.L.103-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 24. (a) Except as provided in subsection (b), a voter who satisfies any of the following is entitled to vote by mail.

(1) The voter has a specific, reasonable expectation of being absent from the county on election day during the entire twelve (12) hours that the polls are open.

(2) The voter will be absent from the precinct of the voter's residence on election day because of service as:

(A) a precinct election officer under IC 3-6-6;

(B) a watcher under IC 3-6-8, IC 3-6-9, or IC 3-6-10;

(C) a challenger or pollbook holder under IC 3-6-7; or

(D) a person employed by an election board to administer the election for which the absentee ballot is requested.

(3) The voter will be confined on election day to the voter's residence, to a health care facility, or to a hospital because of an illness or injury during the entire twelve (12) hours that the polls are open.

(4) The voter is a voter with disabilities.

(5) The voter is an elderly voter.

(6) The voter is prevented from voting due to the voter's care of an individual confined to a private residence because of illness or injury during the entire twelve (12) hours that the polls are open.

(7) The voter is scheduled to work at the person's regular place of employment during the entire twelve (12) hours that the polls are open.

(8) The voter is eligible to vote under IC 3-10-11 or IC 3-10-12.

(9) The voter is prevented from voting due to observance of a religious discipline or religious holiday during the entire twelve (12) hours that the polls are open.

(10) The voter is an address confidentiality program participant (as defined in IC 5-26.5-1-6).

(b) A voter with disabilities who:

(1) is unable to make a voting mark on the ballot or sign the absentee ballot secrecy envelope; and

(2) requests that the absentee ballot be delivered to an address within Indiana;

must vote before an absentee voter board under section 25(b) of this chapter.

(c) If a voter receives an absentee ballot by mail, the voter shall personally mark the ballot in secret and seal the marked ballot inside

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the envelope provided by the county election board for that purpose.

The voter shall:

(1) deposit the sealed envelope in the United States mail for delivery to the county election board; or

(2) authorize a member of the voter's household or the individual designated as the voter's attorney in fact to:

(A) deposit the sealed envelope in the United States mail; or

(B) deliver the sealed envelope in person to the county election board.

(d) If a member of the voter's household or the voter's attorney in fact delivers the sealed envelope containing a voter's absentee ballot to the county election board, the individual delivering the ballot shall complete an affidavit in a form prescribed by the commission. The affidavit must contain the following information:

(1) The name and residence address of the voter whose absentee ballot is being delivered.

(2) A statement of the full name, residence and mailing address, and daytime and evening telephone numbers (if any) of the individual delivering the absentee ballot.

(3) A statement indicating whether the individual delivering the absentee ballot is a member of the voter's household or is the attorney in fact for the voter. If the individual is the attorney in fact for the voter, the individual must attach a copy of the power of attorney for the voter, unless a copy of this document has already been filed with the county election board.

(4) The date and location at which the absentee ballot was delivered by the voter to the individual delivering the ballot to the county election board.

(5) A statement that the individual delivering the absentee ballot has complied with Indiana laws governing absentee ballots.

(6) A statement that the individual delivering the absentee ballot is executing the affidavit under the penalties of perjury.

(7) A statement setting forth the penalties for perjury.

(e) The county election board shall record the date and time that the affidavit under subsection (d) was filed with the board.

(f) After a voter has mailed or delivered an absentee ballot to the office of the circuit court clerk, the voter may not recast a ballot, except as provided in:

(1) section 1.5 of this chapter; or

(2) section 33 of this chapter.

SECTION 51. IC 3-11-10-25, AS AMENDED BY P.L.164-2006, SECTION 108, IS AMENDED TO READ AS FOLLOWS

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[EFFECTIVE JULY 1, 2009]: Sec. 25. (a) A voter who votes by absentee ballot because ~~of the voter:~~

- (1) **has an** illness or injury; ~~or~~
- (2) **is** caring for a confined person at a private residence; **or**
- (3) **is subject to lawful detention but has not been convicted of a crime;**

and who is within the county on election day may vote before an absentee voter board or by mail.

(b) If requested by a voter described in subsection (a) or by a voter with disabilities whose precinct is not accessible to voters with disabilities, an absentee voter board shall visit the voter's place of confinement, the residence of the voter with disabilities, or the private residence:

- (1) during the regular office hours of the circuit court clerk;
- (2) at a time agreed to by the board and the voter;
- (3) on any of the twelve (12) days immediately before election day; and
- (4) only once before an election, unless:
  - (A) the confined voter is unavailable at the time of the board's first visit due to a medical emergency; or
  - (B) the board, in its discretion, decides to make an additional visit.

(c) This subsection applies to a voter confined due to illness or injury. An absentee voter board may not be denied access to the voter's place of confinement if the board is present at the place of confinement at a time:

- (1) agreed to by the board and the voter; and
- (2) during the regular office hours of the circuit court clerk. A person who knowingly violates this subsection commits obstruction or interference with an election officer in the discharge of the officer's duty, a violation of IC 3-14-3-4.

(d) The county election board, by unanimous vote of the board's entire membership, may authorize an absentee voter board to visit a voter who is confined due to illness or injury and will be outside the county on election day in accordance with the procedures set forth in subsection (b).

(e) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is

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cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and

(3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(f) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

(1) information concerning the effect of casting multiple votes for an office; and

(2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(g) This subsection applies to a voter who applies to vote an absentee ballot by mail. The county election board shall include a copy of the Absentee Voter's Bill of Rights with any absentee ballot mailed to the voter.

SECTION 52. IC 3-11-10-26, AS AMENDED BY P.L.164-2006, SECTION 109, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 26. (a) As an alternative to voting by mail, a voter is entitled to cast an absentee ballot before an absentee voter board:

(1) in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2); or

(2) at a satellite office established under section 26.3 of this chapter.

(b) The voter must:

(1) sign an application on the form prescribed by the commission under IC 3-11-4-5.1; and

(2) provide proof of identification;

before being permitted to vote. The application must be received by the circuit court clerk not later than the time prescribed by IC 3-11-4-3.

(c) The voter may vote before the board not more than ~~twenty-nine (29)~~ **twenty-eight (28)** days nor later than noon on the day before election day.

(d) An absent uniformed services voter who is eligible to vote by absentee ballot in the circuit court clerk's office under IC 3-7-36-14 may vote before the board not earlier than ~~twenty-nine (29)~~ **twenty-eight (28)** days before the election and not later than noon on election day. If a voter described by this subsection wishes to cast an absentee ballot during the period beginning at noon on the day before election day and ending at noon on election day, the county election board or absentee voter board may receive and process the ballot at a

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location designated by resolution of the county election board.

(e) The absentee voter board in the office of the circuit court clerk must permit voters to cast absentee ballots under this section for at least seven (7) hours on each of the two (2) Saturdays preceding election day.

(f) Notwithstanding subsection (e), in a county with a population of less than twenty thousand (20,000), the absentee voter board in the office of the circuit court clerk, with the approval of the county election board, may reduce the number of hours available to cast absentee ballots under this section to a minimum of four (4) hours on each of the two (2) Saturdays preceding election day.

(g) As provided by 42 U.S.C. 15481, a voter casting an absentee ballot under this section must be:

- (1) permitted to verify in a private and independent manner the votes selected by the voter before the ballot is cast and counted;
- (2) provided with the opportunity to change the ballot or correct any error in a private and independent manner before the ballot is cast and counted, including the opportunity to receive a replacement ballot if the voter is otherwise unable to change or correct the ballot; and
- (3) notified before the ballot is cast regarding the effect of casting multiple votes for the office and provided an opportunity to correct the ballot before the ballot is cast and counted.

(h) As provided by 42 U.S.C. 15481, when an absentee ballot is provided under this section, the board must also provide the voter with:

- (1) information concerning the effect of casting multiple votes for an office; and
- (2) instructions on how to correct the ballot before the ballot is cast and counted, including the issuance of replacement ballots.

(i) If:

- (1) the voter is unable or declines to present the proof of identification; or
- (2) a member of the board determines that the proof of identification provided by the voter does not qualify as proof of identification under IC 3-5-2-40.5;

the voter shall be permitted to cast an absentee ballot, and the voter's absentee ballot shall be treated as a provisional ballot.

**(j) The county election board, by unanimous vote of the entire membership of the board, may adopt a resolution providing that absentee ballots be cast at satellite offices instead of in the office of the circuit court clerk (or board of elections and registration in a county subject to IC 3-6-5.2).**

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SECTION 53. IC 3-11-10-34 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec 34. If ~~an envelope containing~~ an absentee ballot has been marked ~~"Rejected as defective"~~ **under section 18 of this chapter to be treated as a provisional ballot** and the voter appears in person at the precinct before the polls close, the voter may vote as any other voter voting in person. **A notation shall be made on the envelope of the absentee ballot to be treated as a provisional ballot that the voter appeared at the polls.**

SECTION 54. IC 3-11-13-31.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 31.6. Whenever a ballot card voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.**

SECTION 55. IC 3-11-14-3.5, AS ADDED BY P.L.58-2005, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3.5. (a) Each county election board shall have the names of all candidates for all elected offices, political party offices, and public questions printed on ballot labels for use in an electronic voting system as provided in this chapter.

(b) The county may:

(1) print all offices and public questions on a single ballot label; and

(2) include a ballot variation code to ensure that the proper version of a ballot label is used within a precinct.

(c) Each type of ballot label or paster must be of uniform size and of the same quality and color of paper (except as permitted under IC 3-10-1-17).

(d) The nominees of a political party or an independent candidate or independent ticket (described in IC 3-11-2-6) nominated by petitioners must be listed on the ballot label with the name and device set forth on the certification or petition. The circle containing the device may be of any size that permits a voter to readily identify the device. IC 3-11-2-5 applies if the certification or petition does not include a name or device, or if the same device is selected by two (2) or more parties or petitioners.

(e) The ballot labels must list the offices on the general election ballot in the order listed in IC 3-11-2-12, IC 3-11-2-12.2, IC 3-11-2-12.5, IC 3-11-2-12.7(b), IC 3-11-2-12.9(a), IC 3-11-2-13(a) through IC 3-11-2-13(c), IC 3-11-2-14(a), and IC 3-11-2-14(d). Each office and public question may have a separate screen, or the offices

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and public questions may be listed in a continuous column either vertically or horizontally. However, school board offices, public questions concerning the retention of a justice or judge, local nonpartisan judicial offices, and local public questions shall be placed at the beginning of separate columns or pages.

(f) The name of each office must be printed in a uniform size in bold type. A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office.".

(g) Below the name of the office and the statement required by subsection (f), the names of the candidates for each office must be grouped together in the following order:

(1) The major political party whose candidate received the highest number of votes in the county for secretary of state at the last election is listed first.

(2) The major political party whose candidate received the second highest number of votes in the county for secretary of state is listed second.

(3) All other political parties listed in the order that the parties' candidates for secretary of state finished in the last election are listed after the party listed in subdivision (2).

(4) If a political party did not have a candidate for secretary of state in the last election or a nominee is an independent candidate or independent ticket (described in IC 3-11-2-6), the party or candidate is listed after the parties described in subdivisions (1), (2), and (3).

(5) If more than one (1) political party or independent candidate or ticket described in subdivision (4) qualifies to be on the ballot, the parties, candidates, or tickets are listed in the order in which the party filed its petition of nomination under IC 3-8-6-12.

(6) A space for write-in voting is placed after the candidates listed in subdivisions (1) through (5), if required by law. **A space for write-in voting for an office is not required if there are no declared write-in candidates for that office. However, procedures must be implemented to permit write-in voting for candidates for federal offices.**

(7) The name of a write-in candidate may not be listed on the ballot.

(h) The names of the candidates grouped in the order established by subsection (g) must be printed in type with uniform capital letters and have a uniform space between each name. The name of the candidate's

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political party, or the word "Independent", if the:

(1) candidate; or

(2) ticket of candidates for:

(A) President and Vice President of the United States; or

(B) governor and lieutenant governor;

is independent, must be placed immediately below or beside the name of the candidate and must be printed in uniform size and type.

(i) All the candidates of the same political party for election to at-large seats on the fiscal or legislative body of a political subdivision must be grouped together:

(1) under the name of the office that the candidates are seeking;

(2) in the party order established by subsection (g); and

(3) within the political party, in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) of ANY party for this office."

(j) Candidates for election to at-large seats on the governing body of a school corporation must be grouped:

(1) under the name of the office that the candidates are seeking; and

(2) in alphabetical order according to surname.

A statement reading substantially as follows must be placed immediately below the name of the office and above the name of the first candidate: "Vote for not more than (insert the number of candidates to be elected) candidate(s) for this office."

(k) The cautionary statement described in IC 3-11-2-7 must be placed at the top or beginning of the ballot label before the first office is listed.

(l) The instructions described in IC 3-11-2-8, IC 3-11-2-10(c), and IC 3-11-2-10(d) may be:

(1) placed on the ballot label; or

(2) posted in a location within the voting booth that permits the voter to easily read the instructions.

(m) The ballot label must include a touch sensitive point or button for voting a straight political party or independent ticket (described in IC 3-11-2-6) by one (1) touch, and the touch sensitive point or button must be identified by:

(1) the name of the political party or independent ticket; and

(2) immediately below or beside the political party's or independent ticket's name, the device of that party or ticket

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(described in IC 3-11-2-5).

The name and device of each party or ticket must be of uniform size and type, and arranged in the order established by subsection (g) for listing candidates under each office. The instructions described in IC 3-11-2-10(b) for voting a straight party ticket and the statement concerning presidential electors required under IC 3-10-4-3 may be placed on the ballot label or in a location within the voting booth that permits the voter to easily read the instructions.

(n) A public question must be in the form described in IC 3-11-2-15(a) and IC 3-11-2-15(b), except that a touch sensitive point or button must be used instead of a square. Except as expressly authorized or required by statute, a county election board may not print a ballot label that contains language concerning the public question other than the language authorized by a statute.

(o) The requirements in this section:

(1) do not replace; and

(2) are in addition to;

any other requirements in this title that apply to ballots for electronic voting systems.

(p) The procedure described in IC 3-11-2-16 must be used when a ballot label does not comply with the requirements imposed by this title or contains another error or omission that might result in confusion or mistakes by voters.

SECTION 56. IC 3-11-14-22.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 22.5. Whenever an electronic voting system is used in a precinct and a ballot form prescribed by this title refers to a voting mark, the county election board shall approve voting instructions indicating that a specific type of marking device is employed on the system to indicate a vote.**

SECTION 57. IC 3-11-14-28.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 28.5. (a) This section applies if it is discovered, after a voter leaves the voting booth, that the voter has failed to register the voter's votes.**

**(b) The judges, in the presence of the inspector, shall take all reasonable action to register the voter's votes. The judges shall attempt to register the votes without viewing any of the votes. However, the voter's votes are not void if either of the judges or the inspector sees any of the votes during an attempt to register the votes.**

**(c) The judges may not alter any of the voter's votes in**

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performing the duty described in this section.

(d) If the judges are unable to register the voter's votes as provided in this section:

(1) the votes shall be canceled; and

(2) the voter may not vote again at the election.

(e) A record of the occurrence and the results of the attempt to register the voter's votes shall be made on the poll list.

SECTION 58. IC 3-11-15-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. Each application for certification of a voting system shall be accompanied by a fee of one thousand five hundred dollars (\$1,500). **All fees collected under this section shall be deposited with the treasurer of state in the voting system technical oversight program account established by IC 3-11-17-6.**

SECTION 59. IC 3-11-17-6, AS AMENDED BY P.L.3-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) The voting system technical oversight program account is established with the state general fund to provide money for administering and enforcing IC 3-11-7, IC 3-11-7.5, IC 3-11-15, IC 3-11-16, and this chapter.

(b) The election division shall administer the account. With the approval of the budget agency, funds in the account are available to augment and supplement the funds appropriated to the election division for the purposes described in this section.

(c) The expenses of administering the account shall be paid from the money in the account.

(d) The account consists of the following:

(1) All civil penalties collected under this chapter.

(2) **Fees collected under IC 3-11-15-4.**

(3) **Contributions to the account made in accordance with a settlement agreement executed with a voting system vendor.**

(e) **Money in the account at the end of a state fiscal year does not revert to the state general fund.**

SECTION 60. IC 3-11-18-5, AS ADDED BY P.L.164-2006, SECTION 119, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Except for a municipality described in subsection (b), a plan must provide a vote center for use by voters residing in each municipality within the county conducting a municipal primary or a municipal election.

(b) ~~A vote center may not be used~~ In a municipal primary or municipal election conducted within a municipality that is partially located in a county that has ~~not~~ been designated a vote center pilot

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county, a vote center may not be used by a voter who does not reside within that part of the municipality that is located in the county that has been designated a vote center pilot county.

SECTION 61. IC 3-11.5-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. To the extent that they are in conflict with this article, the following statutes do not apply to a county that has adopted a resolution described by ~~section 1~~ **section 1.1** of this chapter:

- (1) IC 3-11-4-22.
- (2) IC 3-11-10-1.5.
- (3) IC 3-11-10-3.
- (4) IC 3-11-10-5.
- (5) IC 3-11-10-6.
- (6) IC 3-11-10-7.
- (7) IC 3-11-10-8.
- (8) IC 3-11-10-9.
- (9) IC 3-11-10-11.
- (10) IC 3-11-10-12.
- (11) IC 3-11-10-13.
- (12) IC 3-11-10-14.
- (13) IC 3-11-10-15.
- (14) IC 3-11-10-16.
- (15) IC 3-11-10-17.
- (16) IC 3-11-10-18.
- (17) IC 3-11-10-20.
- (18) IC 3-11-10-21.
- (19) IC 3-11-10-22.
- (20) IC 3-11-10-23.
- (21) IC 3-11-10-31.
- (22) IC 3-11-10-32.
- (23) IC 3-11-10-33.
- (24) IC 3-11-10-34.
- ~~(25) IC 3-11-10-35.~~
- ~~(26)~~ **(25)** IC 3-11-10-36.
- ~~(27)~~ **(26)** IC 3-11-10-37.
- ~~(28)~~ **(27)** IC 3-12-2.
- ~~(29)~~ **(28)** IC 3-12-3-12.

SECTION 62. IC 3-11.5-4-10, AS AMENDED BY P.L.198-2005, SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. Subject to section 7 of this chapter, absentee ballots received by mail (or by fax or electronic mail under IC 3-11-4-6) after ~~noon~~ **the close of the polls** on election day are

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considered as arriving too late and may not be counted.

SECTION 63. IC 3-11.5-4-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. At any time after the couriers return the certificate under section 9 of this chapter, absentee ballot counters appointed under section 22 of this chapter, in the presence of the county election board, shall, except for a ballot ~~rejected~~ **processed as a provisional ballot** under ~~section 13 of this chapter:~~ **IC 3-11.7:**

(1) open the outer or carrier envelope containing an absentee ballot envelope and application;

(2) announce the absentee voter's name; and

(3) compare the signature upon the ~~application with the signature upon the~~ affidavit on the ballot envelope or transmitted affidavit **with the signature on the voter's affidavit of registration.**

SECTION 64. IC 3-11.5-4-13, AS AMENDED BY P.L.198-2005, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. (a) If the absentee ballot counters find under section 11 of this chapter that any of the following applies, the ballots shall be ~~rejected:~~ **processed as provisional ballots under IC 3-11.7:**

(1) The affidavit is insufficient or that the ballot has not been endorsed with the initials of:

(A) the two (2) members of the absentee voter board in the office of the clerk of the circuit court under IC 3-11-4-19 or IC 3-11-10-27;

(B) the two (2) members of the absentee voter board visiting the voter under IC 3-11-10-25; or

(C) the two (2) appointed members of the county election board or their designated representatives under IC 3-11-4-19.

(2) The signatures do not correspond or there is no signature.

(3) The absentee voter is not a qualified voter in the precinct.

(4) The absentee voter has voted in person at the election.

(5) The absentee voter has not registered.

(6) The ballot is open or has been opened and resealed. This subdivision does not permit an absentee ballot transmitted by fax or electronic mail under IC 3-11-4-6 to be rejected because the ballot was sealed in the absentee ballot envelope by the individual designated by the circuit court to receive absentee ballots transmitted by fax or electronic mail.

(7) The ballot envelope contains more than one (1) ballot of any kind for the same office or public question.

(8) In case of a primary election, if the absentee voter has not previously voted, the voter failed to execute the proper

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1 declaration relative to age and qualifications and the political  
2 party with which the voter intends to affiliate.

3 (9) The ballot has been challenged and not supported.

4 (b) Subsection (c) applies whenever a voter with a disability is  
5 unable to make a signature:

6 (1) on an absentee ballot application that corresponds to the  
7 voter's signature in the records of the county voter registration  
8 office; or

9 (2) on an absentee ballot security envelope that corresponds with  
10 the voter's signature:

11 (A) in the records of the county voter registration office; or

12 (B) on the absentee ballot application.

13 (c) The voter may request that the voter's signature or mark be  
14 attested to by any of the following:

15 (1) The absentee voter board under section 22 of this chapter.

16 (2) A member of the voter's household.

17 (3) An individual serving as attorney in fact for the voter.

18 (d) An attestation under subsection (c) provides an adequate basis  
19 for the absentee ballot counters to determine that a signature or mark  
20 complies with subsection (a)(2).

21 (e) If the absentee ballot counters are unable to agree on a finding  
22 described under this section or section 12 of this chapter, the county  
23 election board shall make the finding.

24 (f) The absentee ballot counters or county election board shall issue  
25 a certificate to a voter whose ballot has been rejected under this section  
26 if the voter appears in person before the board not later than 5 p.m. on  
27 election day. The certificate must state that the voter's absentee ballot  
28 has been rejected and that the voter may vote in person under section  
29 21 of this chapter if otherwise qualified to vote.

30 SECTION 65. IC 3-11.5-4-14 IS AMENDED TO READ AS  
31 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 14. (a) ~~Each An~~ **An**  
32 **absentee ballot rejected processed as a provisional ballot** for any of  
33 the reasons prescribed by section 13 of this chapter shall, without being  
34 unfolded to disclose how the ballot is marked, be **replaced in the**  
35 **absentee ballot envelope in which the ballot was contained. The**  
36 **absentee ballot envelope shall be securely sealed and** endorsed with  
37 the words: ~~"Rejected"~~ **"Processed as provisional ballot** (giving the  
38 reason or reasons for the ~~rejection)~~ **determination)".**

39 (b) All ~~rejected~~ **absentee ballots processed as provisional ballots**  
40 shall be enclosed and securely sealed in an envelope on which the  
41 absentee ballot counters shall write the words: ~~"Rejected"~~ **"Absentee**  
42 **ballots to be processed as provisional ballots"**. The absentee ballot

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counters shall also identify the precinct and the date of the election on the envelope containing the ~~rejected~~ ballots.

(c) ~~The rejected absentee ballots shall be returned to the same officer and in the same manner as prescribed by this title for the return and preservation of official ballots cast and uncast at the election.~~

SECTION 66. IC 3-11.5-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) If proof is given to the absentee ballot counters that an absentee voter marked and forwarded an absentee ballot but died before election day, the ballot of the deceased voter shall be rejected ~~under section 13 of this chapter~~ and retained with ~~the other rejected ballots under section 14 of this chapter.~~ **uncounted provisional ballots. The absentee ballot of a deceased voter shall be enclosed and securely sealed in an envelope on which the absentee ballot counters shall write the words: "Ballots uncounted; voter deceased.". The absentee ballot counters shall also identify the precinct and the date of the election on the envelope containing the uncounted ballots.**

(b) The casting of an absentee ballot by a deceased voter does not invalidate an election.

SECTION 67. IC 3-11.5-4-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. If ~~an envelope containing~~ an absentee ballot has been marked ~~"Rejected"~~ **to be processed as a provisional ballot under section 14 of this chapter** and the voter appears in person at the precinct before the polls close, the voter may vote as any other voter voting in person if the voter presents the precinct election board with the certificate issued under ~~section 13(c)~~ **section 13(f)** of this chapter. **A notation shall be made on the absentee ballot envelope of the absentee ballot processed as a provisional ballot that the voter appeared at the polls.**

SECTION 68. IC 3-11.7-2-1, AS AMENDED BY P.L.164-2006, SECTION 121, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) ~~As provided by 42 U.S.C. 15482,~~ This section applies to the following individuals:

(1) An individual:

- (A) whose name does not appear on the registration list; and
- (B) who is challenged under IC 3-10-1 or IC 3-11-8 after the voter makes an oral or a written affirmation under IC 3-7-48-5 or IC 3-7-48-7 or after the voter produces a certificate of error under IC 3-7-48-1.

(2) An individual described by IC 3-10-1-10.5, IC 3-11-8-23.5, or IC 3-11-8-27.5 who is challenged as not eligible to vote.

(3) An individual who seeks to vote in an election as a result of a

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court order (or any other order) extending the time established for closing the polls under IC 3-11-8-8.

**(4) An individual whose absentee ballot has been processed as a provisional ballot under IC 3-11-10-17 or IC 3-11.5-4-13.**

(b) As required by 42 U.S.C. 15483, a voter who has registered to vote but has not:

(1) presented identification required under 42 U.S.C. 15483 to the poll clerk before voting in person under IC 3-11-8-25.1; or

(2) filed a copy of the identification required under 42 U.S.C. 15483 to the county voter registration office before the voter's absentee ballot is cast;

is entitled to vote a provisional ballot under this article.

(c) A precinct election officer shall inform an individual described by subsection (a)(1) or (a)(2) that the individual may cast a provisional ballot if the individual:

(1) is eligible to vote under IC 3-7-13-1;

(2) submitted a voter registration application during the registration period described by IC 3-7-13-10 (or IC 3-7-36-11, if the voter registered under that section); and

(3) executes an affidavit described in IC 3-10-1-9 or IC 3-11-8-23.

(d) A precinct election officer shall inform an individual described by subsection (a)(3) that the individual may cast a provisional ballot.

**(e) This subsection applies to an absentee ballot required to be processed as a provisional ballot under IC 3-11-10-17 or IC 3-11.5-4-13. The county election board shall send a notice to the voter at the address indicated on the voter's absentee ballot application giving the following information:**

**(1) That the voter's absentee ballot was required to be processed as a provisional ballot.**

**(2) The reasons that the voter's absentee ballot was required to be processed as a provisional ballot.**

**(3) That the voter's absentee ballot will be processed as a provisional ballot.**

**(4) That the county election board will have a meeting to determine whether provisional ballots shall be counted.**

**(5) The date, time, and place of the meeting described in subdivision (4).**

**(6) That the voter will be given an opportunity to support the validity of the absentee ballot.**

**(7) That the county election board may limit the voter's presentation. The county election board must grant a voter at least five (5) minutes to make a presentation.**

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SECTION 69. IC 3-11.7-5-1, AS AMENDED BY P.L.164-2006, SECTION 122, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) After the close of the polls, provisional ballots shall be counted as provided in this chapter.

(b) Notwithstanding IC 3-5-4-1.5 and any legal holiday observed under IC 1-1-9, all provisional ballots must be counted by not later than noon ten (10) days following the election.

**(c) The county election board shall meet before noon on the date described in subsection (b) to do the following:**

**(1) Provide voters who have cast provisional ballots an opportunity to make a presentation in support of the validity of the provisional ballot.**

**(2) Determine which provisional ballots shall be counted.**

SECTION 70. IC 3-11.7-5-2, AS AMENDED BY P.L.103-2005, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) ~~Except as provided in section 5 of this chapter,~~ If the county election board determines that all the following apply, a provisional ballot is valid and shall be counted under this chapter:

(1) The affidavit executed by the provisional voter under IC 3-11.7-2-1 is properly executed.

(2) The provisional voter is a qualified voter of the precinct and has provided proof of identification, if required, under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26.

(3) Based on all the information available to the county election board, including:

(A) information provided by the provisional voter;

(B) information contained in the county's voter registration records; and

(C) information contained in the statewide voter registration file;

the provisional voter registered to vote at a registration agency under this article on a date within the registration period.

(b) If the provisional voter has provided information regarding the registration agency where the provisional voter registered to vote, the board shall promptly make an inquiry to the agency regarding the alleged registration. The agency shall respond to the board not later than noon of the first Friday after the election, indicating whether the agency's records contain any information regarding the registration. If the agency does not respond to the board's inquiry, or if the agency responds that the agency has no record of the alleged registration, the board shall reject the provisional ballot **unless:**

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(1) the voter appears at the meeting held under section 1 of this chapter; and

(2) the board determines, based on the voter's presentation, that the voter was validly registered.

**If the board determines that the voter was not properly registered,** the board shall endorse the ballot with the word "Rejected" and document on the ballot the inquiry and response, if any, by the agency.

(c) ~~Except as provided in section 5 of this chapter,~~ A provisional ballot cast by a voter described in IC 3-11.7-2-1(b) is valid and shall be counted if the county election board determines under this article that the voter filed the documentation required under IC 3-7-33-4.5 and 42 U.S.C. 15483 with the county voter registration office not later than the closing of the polls on election day.

SECTION 71. IC 3-11.7-5-2.5, AS ADDED BY P.L.103-2005, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2.5. (a) A voter who:

(1) was challenged under IC 3-10-1, IC 3-11-8, or IC 3-11-10-26 as a result of the voter's inability or declination to provide proof of identification; and

(2) cast a provisional ballot;

may personally appear ~~before the circuit court clerk or the~~ **at the** county election board ~~not later than the deadline specified by meeting held under~~ section 1 of this chapter for the county election board to determine whether to count a provisional ballot. **The voter may also provide proof of identification to the circuit court clerk before the county election board meeting to execute the affidavit as required under subsection (b).**

(b) Except as provided in subsection (c), ~~or (c);~~ if the voter:

(1) provides proof of identification to the circuit court clerk or county election board; and

(2) executes an affidavit before the clerk or board, in the form prescribed by the commission, affirming under the penalties of perjury that the voter is the same individual who:

(A) personally appeared before the precinct election board; and

(B) cast the provisional ballot on election day;

the county election board shall find that the voter's provisional ballot is valid and direct that the provisional ballot be opened under section 4 of this chapter and processed in accordance with this chapter.

~~(c) If the voter executes an affidavit before the circuit court clerk or county election board, in the form prescribed by the commission, affirming under the penalties of perjury that:~~

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(1) the voter is the same individual who:

(A) personally appeared before the precinct election board;  
and

(B) cast the provisional ballot on election day; and

(2) the voter:

(A) is:

(i) indigent; and

(ii) unable to obtain proof of identification without the  
payment of a fee; or

(B) has a religious objection to being photographed;

the county election board shall determine whether the voter has been  
challenged for any reason other than the voter's inability or declination  
to present proof of identification to the precinct election board:

(d) If the county election board determines that the voter described  
in subsection (c) has been challenged solely for the inability or  
declination of the voter to provide proof of identification, the county  
election board shall:

(1) find that the voter's provisional ballot is valid; and

(2) direct that the provisional ballot be:

(A) opened under section 4 of this chapter; and

(B) processed in accordance with this chapter.

(e) If the county election board determines that a voter described  
in subsection (b) or (c) has been challenged for a cause other than the  
voter's inability or declination to provide proof of identification, the  
board shall:

(1) note on the envelope containing the provisional ballot that the  
voter has complied with the proof of identification requirement;  
and

(2) proceed to determine the validity of the remaining challenges  
set forth in the challenge affidavit before ruling on the validity of  
the voter's provisional ballot.

(f) (d) If a voter described by subsection (a) fails by the deadline for  
counting provisional ballots referenced in subsection (a) described in  
section 1 of this chapter to:

(1) appear before the county election board or the circuit court  
clerk; and

(2) execute an affidavit in the manner prescribed by subsection  
(b); or (c);

the county election board shall find that the voter's provisional ballot  
is invalid.

SECTION 72. IC 3-11.7-5-3, AS AMENDED BY P.L.103-2005,  
SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE

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JULY 1, 2009]: Sec. 3. (a) **This section applies** if the board determines  
any of the following:

(1) That the affidavit executed by the provisional voter has not  
been properly executed.

(2) That the provisional voter is not a qualified voter of the  
precinct.

(3) That the **provisional** voter failed to provide proof of  
identification when required under IC 3-10-1, IC 3-11-8, or  
IC 3-11-10-26. ~~or~~

(4) That the provisional voter did not register to vote at a  
registration agency under this article on a date within the  
registration period.

**(5) That the provisional voter's absentee ballot is not entitled  
to be counted under this title.**

(b) The board shall make the following findings:

(1) The provisional ballot is invalid.

(2) The provisional ballot may not be counted.

(3) The provisional ballot envelope containing the ballots cast by  
the provisional voter may not be opened.

~~(b)~~ (c) If the county election board determines that a provisional  
ballot is invalid, a notation shall be made on the provisional ballot  
envelope: "Provisional ballot determined invalid".

SECTION 73. IC 3-11.7-5-19 IS AMENDED TO READ AS  
FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 19. As soon as the  
ballots have been counted, the counters shall do the following in the  
presence of the county election board:

(1) Place in a strong paper envelope or bag the following:

(A) All provisional ballots, voted and spoiled.

(B) All provisional ballots

~~(i)~~ determined invalid under section 3 of this chapter. ~~or~~

~~(ii) rejected under section 5 of this chapter.~~

(C) All protested and uncounted provisional ballots.

(D) All provisional ballot envelopes.

(E) All executed affidavits relating to the provisional ballots.

(F) The tally papers.

(2) Securely seal the envelope or bag.

(3) Have both counters initial the envelope or bag.

(4) Plainly mark on the outside of the envelope or bag in ink the  
precinct in which the provisional ballots were cast.

(5) Deliver the envelope or bag to the circuit court clerk.

(6) Notify the circuit court clerk of the number of ballots placed  
in the envelope or bag.

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SECTION 74. IC 3-11.7-7 IS ADDED TO THE INDIANA CODE  
AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
JULY 1, 2009]:

**Chapter 7. Evaluation of Provisional Voting**

**Sec. 1. Not later than January 31 following each year in which a general or municipal election is held, the secretary of state shall publish an analysis of provisional voting in Indiana for that election year.**

**Sec. 2. The analysis required by section 1 of this chapter must contain the following information:**

- (1) The number of provisional ballots cast by county.**
- (2) The reasons that provisional ballots were cast. The analysis may group by category the reasons for casting provisional ballots.**
- (3) The number of provisional ballots counted and the number of provisional ballots not counted, by category.**
- (4) Measures of variance in casting of provisional ballots by county.**
- (5) Length of time to check validity and count provisional ballots by county.**
- (6) The variation in the use of provisional ballots among all counties.**

**Sec. 3. The analysis required by section 1 of this chapter must consider the following questions:**

- (1) Whether the provisional ballot system distributes, collects, records, and counts provisional votes with acceptable accuracy.**
- (2) Whether the provisional ballot system counts all votes cast by properly registered voters who have correctly completed all steps to cast a vote.**
- (3) Whether the provisional ballot system is structured sufficiently to perform well when the number of votes cast for opposing candidates is close.**
- (4) Whether the procedural requirements of the provisional ballot system permit a cost efficient, accurate, and timely operation.**
- (5) Whether the variation in the use of provisional ballots throughout Indiana is great enough to raise concern that the provisional ballot system is not administered uniformly across Indiana.**

**Sec. 4. The county election board of each county shall collect and send to the secretary of state any information about the use of**

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1 **provisional ballots in the county as required by the secretary of**  
 2 **state.**

3 SECTION 75. IC 3-12-1-1 IS AMENDED TO READ AS  
 4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. Subject to sections  
 5 5, 6, 8, 9, **and 9.5** ~~and 13~~ of this chapter, the primary factor to be  
 6 considered in determining a voter's choice on a ballot is the intent of  
 7 the voter. If the voter's intent can be determined on the ballot or on part  
 8 of the ballot, the vote shall be counted for the affected candidate or  
 9 candidates or on the public question. However, if it is impossible to  
 10 determine a voter's choice of candidates on a part of a ballot or vote on  
 11 a public question, then the voter's vote concerning those candidates or  
 12 public questions may not be counted.

13 SECTION 76. IC 3-12-1-7, AS AMENDED BY P.L.164-2006,  
 14 SECTION 124, IS AMENDED TO READ AS FOLLOWS  
 15 [EFFECTIVE JULY 1, 2009]: Sec. 7. (a) This subsection applies  
 16 whenever a voter:

- 17 (1) votes a straight party ticket; and
- 18 (2) votes only for one (1) or more individual candidates who are
- 19 all of the same political party as the straight ticket vote.

20 The straight ticket vote shall be counted, and the individual candidate  
 21 votes may not be counted.

22 (b) This subsection applies whenever:

- 23 (1) a voter has voted a straight party ticket for the candidates of
- 24 one (1) political party;
- 25 (2) only one (1) person may be elected to an office; and
- 26 (3) the voter has voted for one (1) individual candidate for the
- 27 office described in subdivision (2) who is:

- 28 (A) a candidate of a political party other than the party for
- 29 which the voter voted a straight ticket; or
- 30 (B) an independent candidate for the office.

31 If the voter has voted for one (1) individual candidate for the office  
 32 described in subdivision (2), the individual candidate vote for that  
 33 office shall be counted, the straight party ticket vote for that office may  
 34 not be counted, and the straight party ticket votes for other offices on  
 35 the ballot shall be counted.

36 (c) This subsection applies whenever:

- 37 (1) a voter has voted a straight party ticket for the candidates of
- 38 one (1) political party; and
- 39 (2) the voter has voted for more individual candidates for the
- 40 office than the number of persons to be elected to that office.

41 The individual candidate votes for that office may not be counted, the  
 42 straight party ticket vote for that office may not be counted, and the

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straight party ticket votes for other offices on the ballot shall be counted.

(d) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party;

(2) more than one (1) person may be elected to an office; and

(3) the voter has voted for individual candidates for the office described in subdivision (2) who are:

(A) independent candidates;

(B) candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); or

(C) a combination of candidates described in clauses (A) and (B).

The individual votes cast by the voter for the office for the independent candidates and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted. The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket votes for the office, is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for the office may not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

(e) This subsection applies whenever:

(1) a voter has voted a straight party ticket for the candidates of one (1) political party;

(2) more than one (1) person may be elected to an office; and

(3) the voter has voted for individual candidates for the office described in subdivision (2) who are:

(A) independent candidates or candidates of a political party other than the political party for which the voter cast a straight party ticket under subdivision (1); and

(B) candidates of the same political party for which the voter cast a straight party ticket under subdivision (1).

The individual votes cast by the voter for the office for the independent candidates and the candidates of a political party other than the political party for which the voter cast a straight party ticket shall be counted. The individual votes cast by the voter for the office for the candidates of the same political party for which the voter cast a straight

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party ticket may not be counted **unless the straight party ticket vote is not counted**. The straight party ticket vote cast by that voter for that office shall be counted unless the total number of votes cast for the office by the voter, when adding the voter's votes for the individual candidates for the office and the voter's straight party ticket vote for the office is greater than the number of persons to be elected to the office. If the total number of votes cast for the office is greater than the number of persons to be elected to the office, the straight party ticket votes for that office may not be counted. The straight party ticket votes for other offices on the voter's ballot shall be counted.

(f) If a voter votes a straight party ticket for more than one (1) political party, the whole ballot is void with regard to all candidates nominated by a political party or designated as independent candidates on the ballot. However, the voter's vote for a school board candidate or on a public question shall be counted if otherwise valid under this chapter.

(g) If a voter does not vote a straight party ticket and the number of votes cast by that voter for the candidates for an office are less than or equal to the number of openings for that office, the individual candidates votes shall be counted.

(h) If a voter does not vote a straight party ticket and the number of votes cast by that voter for an office exceeds the number of openings for that office, none of the votes concerning that office may be counted.

SECTION 77. IC 3-12-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 12. (a) This section applies to votes cast by any method.

(b) ~~Except as provided in section 13 of this chapter,~~ A ballot that has been marked and cast by a voter in compliance with this title but may otherwise not be counted solely as the result of the act or failure to act of an election officer ~~may nevertheless shall be counted in a proceeding under IC 3-12-6, IC 3-12-8, or IC 3-12-11 unless evidence of fraud, tampering, or misconduct affecting the integrity of the ballot is presented. by a party to the proceeding.~~

(c) The act or failure to act by an election officer is not by itself evidence of fraud, tampering, or misconduct affecting the integrity of the ballot.

SECTION 78. IC 3-12-4-18, AS AMENDED BY P.L.221-2005, SECTION 105, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 18. If electronic voting systems are used in a precinct, the county election board may ~~request authorization from the state recount commission to~~ inspect the registering counter or other recording device on any electronic voting system showing the

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number of votes cast for any candidate or public question. ~~If authorized by the state recount commission,~~ The board may conduct an inspection either before it proceeds to count and tabulate the vote or within one (1) day after the count and tabulation are finished.

SECTION 79. IC 3-12-6-16, AS AMENDED BY P.L.221-2005, SECTION 115, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 16. (a) A recount commission consists of three (3) persons.

(b) Two (2) members of the commission must be voters who:

- (1) are members of different major political parties of the state; and
- (2) were qualified to vote at the election in a county in which the election district for the office is located.

(c) ~~This subsection applies to a recount commission conducting a recount of an election in which only paper ballots were used.~~ The third member of the commission must be a person who:

- (1) is a member of a major political party of the state; and
- (2) was qualified to vote at the election in a county in which the election district for the office is located.

(d) This subsection applies to a recount of an election in which a voting method other than only paper ballots was used. ~~The third member of the commission must be~~ A competent mechanic who is familiar with the ballot card voting systems or electronic voting systems used in that election **shall be appointed to advise the commission on technical questions relating to the voting systems used in the election. The mechanic is not a voting member of the commission.** The mechanic is not required to be qualified to vote at the election in a county in which the election district for the office is located.

SECTION 80. IC 3-12-12-11, AS AMENDED BY P.L.221-2005, SECTION 131, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) A recount commission consists of three (3) persons.

(b) Two (2) members of the commission must be voters who:

- (1) are members of different major political parties of the state; and
- (2) were qualified to vote at the election in a county in which the election district that voted on the public question is located.

(c) ~~This subsection applies to a recount commission conducting a recount of an election in which only paper ballots were used.~~ The third member of the commission must be a person who:

- (1) is a member of a major political party of the state; and

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(2) was qualified to vote at the election in a county in which the election district that voted on the public question is located.

(d) This subsection applies to a recount of an election in which a voting method other than only paper ballots was used. ~~The third member of the commission must be~~ A competent mechanic who is familiar with the ballot card voting systems or electronic voting systems used in that election **shall be appointed to advise the commission on technical questions relating to the voting systems used in the election. The mechanic is not a voting member of the commission.** The mechanic is not required to be qualified to vote at the election in a county in which the election district that voted on the public question is located.

SECTION 81. IC 3-13-1-10.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10.5. (a) A person who wishes to be a candidate for appointment to fill a candidate vacancy under this chapter must file a declaration of candidacy on a form prescribed by the commission with:

(1) the chairman of the caucus **or committee conducting a meeting under this chapter;** and

(2) the official who is required to receive a certificate of candidate selection following the caucus under section 15 of this chapter; at least seventy-two (72) hours before the time fixed for the caucus **or committee meeting.**

(b) A candidate's declaration of candidacy must include a statement that the candidate requests the name on the candidate's voter registration record be the same as the name the candidate uses on the declaration of candidacy. If there is a difference between the name on the candidate's declaration of candidacy and the name on the candidate's voter registration record, the officer with whom the declaration of candidacy is filed shall forward the information to the voter registration officer of the appropriate county as required by IC 3-5-7-6(e). The voter registration officer of the appropriate county shall change the name on the candidate's voter registration record to be the same as the name on the candidate's declaration of candidacy.

SECTION 82. IC 3-13-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) At a meeting called under section 7 of this chapter, the eligible participants shall:

(1) establish the ~~caucus~~ rules of procedure **for the caucus or meeting,** except as otherwise provided in this chapter; and

(2) select, by a majority vote of those casting a vote for a candidate, a person to fill the candidate vacancy described in the call for the meeting.

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(b) If more than one (1) person seeks to fill the vacancy, the selection shall be conducted by secret ballot.

SECTION 83. IC 3-13-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) The state chairman **(or a person designated by the state chairman)** shall preside over a caucus meeting held under this chapter.

(b) A person who desires to be a candidate to fill a vacancy under this chapter must file:

(1) a declaration of candidacy with the chairman of the caucus; and

(2) a statement of economic interests under IC 2-2.1-3-2 with the secretary of the senate or principal clerk of the house of representatives;

at least seventy-two (72) hours before the time fixed for the caucus.

(c) In addition to the procedures prescribed by this chapter, the chairman and precinct committeemen may adopt rules of procedure that are necessary to conduct business.

SECTION 84. IC 9-24-2.5-6, AS AMENDED BY P.L.164-2006, SECTION 138, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. (a) A manager or an employee may use any of the following methods to transmit paper copies of voter registration applications under section 4 of this chapter:

(1) Hand delivery to the county voter registration office.

~~(2) Certified mail; return receipt requested.~~

**(2) Delivery by the United States Postal Service, using first class mail.**

**(b) A county voter registration office:**

**(1) shall process a voter registration application transmitted in electronic format from a license branch; and**

**(2) is not required to receive the paper copy of a voter registration application from a license branch before:**

**(A) approving or denying the application; and**

**(B) mailing a notice of approval or denial to the applicant.**

SECTION 85. IC 9-24-2.5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 8. ~~(a) The co-directors of the election division shall provide the commission with a list of the current addresses and telephone numbers of the offices of the circuit court clerk or board of county voter registration office in each county. The commission shall promptly forward the list and each revision of the list to each license branch.~~

~~(b) The co-directors of the election division shall provide the commission with pre-addressed packets for the commission to transmit~~

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1 applications under section 6(1) or 6(2) of this chapter.

2 SECTION 86. IC 20-23-8-10, AS ADDED BY P.L.1-2005,  
3 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4 JULY 1, 2009]: Sec. 10. (a) A change in a plan may be initiated by one  
5 (1) of the following procedures:

6 (1) By filing a petition signed by at least ~~twenty ten~~ percent  
7 ~~(20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of  
8 the school corporation with the clerk of the circuit court.

9 (2) By a resolution adopted by the governing body of the school  
10 corporation.

11 (3) By ordinance adopted by a city legislative body under section  
12 13 of this chapter.

13 (b) A petition, resolution, or ordinance must set forth a description  
14 of the plan that conforms with section 7 of this chapter.

15 (c) ~~Except as provided in subsection (a)(1); in a city having a~~  
16 ~~population of more than fifty-nine thousand seven hundred (59,700)~~  
17 ~~but less than sixty-five thousand (65,000); a change in a plan may be~~  
18 ~~initiated by filing a petition signed by ten percent (10%) or more of the~~  
19 ~~voters of the school corporation with the clerk of the circuit court.~~

20 SECTION 87. IC 20-23-8-14, AS ADDED BY P.L.1-2005,  
21 SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
22 JULY 1, 2009]: Sec. 14. (a) Not more than ten (10) days after a  
23 governing body has:

24 (1) initiated;

25 (2) approved; or

26 (3) disapproved;

27 a plan initiated by the petition filed with it, the governing body shall  
28 publish a notice one (1) time in a newspaper of general circulation in  
29 the county of the school corporation. If a newspaper of general  
30 circulation is not published in the county of the school corporation, the  
31 governing body shall publish a notice one (1) time in a newspaper of  
32 general circulation published in a county adjoining the county of the  
33 school corporation.

34 (b) The notice must set out the text of a plan initiated by the  
35 governing body or another plan filed with the governing body before  
36 the preparation of the notice. The notice must also state the right of a  
37 voter, as provided in this section, to file a petition for alternative plans  
38 or a petition protesting the adoption of a plan or plans to which the  
39 notice relates.

40 (c) If the governing body fails to publish a notice required by this  
41 section, the governing body shall, not more than five (5) days after the  
42 expiration of the ten (10) day period for publication of notice under this

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section, submit the petition that has been filed with the clerk to the state board, whether or not the plan contained in the petition or the petition meets the requirements of this chapter.

(d) Not later than one hundred twenty (120) days after the publication of the notice, voters of the school corporation may file with the clerk a petition protesting a plan initiated or approved by the governing body or a petition submitting an alternative plan as follows:

(1) A petition protesting a plan ~~shall~~ **must** be signed by at least ~~twenty~~ **ten** percent ~~(20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of the school corporation or five hundred (500) voters of the school corporation, whichever is less.

(2) A petition submitting an alternative plan ~~shall~~ **must** be signed by at least ~~twenty~~ **ten** percent ~~(20%)~~ **(10%)** of the **active** voters **(as defined in IC 3-5-2-1.7)** of the school corporation.

A petition filed under this subsection shall be certified by the clerk and shall be filed with the governing body in the same manner as is provided for a petition in section 11 of this chapter.

(e) The governing body or the voters may not initiate or file additional plans until the plans that were published in the notice or submitted as alternative plans not later than one hundred twenty (120) days after the publication of the notice have been disposed of by:

- (1) adoption;
- (2) defeat at a special election held under section 16 of this chapter; or
- (3) combination with another plan by the state board under section 15 of this chapter.

SECTION 88. IC 36-2-9-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The auditor may administer the following:

- (1) Oaths necessary in the performance of the auditor's duties.
- (2) The oath of office to an officer who receives the officer's certificate of appointment ~~or election~~ from the auditor.
- (3) Oaths relating to the duty of an officer who receives the officer's certificate of appointment ~~or election~~ from the auditor.
- (4) The oath of office to a member of the board of directors of a solid waste management district established under IC 13-21 or IC 13-9.5 (before its repeal).

(b) The auditor may take acknowledgments of deeds and mortgages executed for the security of trust funds the auditor is required to lend.

SECTION 89. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 3-5-4-6; IC 3-11-8-6.5; IC 3-11-10-35; IC 3-11-11-1.5; IC 3-11-11-1.6; IC 3-11.7-5-5; IC 3-12-1-13;

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1 IC 3-14-2-29.

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